

22.5.2023

ct. no. 5

sl. No. 4

sn

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 1297 of 2023

**Sk. Abbasuddin @ Sk. Abbas Ali
versus
Manjur Ali Mallick & Ors.**

Md. Zeeshanuz Zaman
... for the petitioner

Considering the issue involved in the matter, notice upon the opposite parties is dispensed with.

Heard Md. Zeeshanuz Zaman, learned advocate for the petitioner, who is suffering an order of injunction passed by the learned Trial Court *ex parte* on 13th July, 2022.

The defendants entered into appearance on 11th August, 2022 and filed written statement as well as the written objection to the injunction application.

Under such situation, the learned Trial Court ought to have disposed of the application for temporary injunction within 30 days as there was an order of *ex parte* injunction.

For the reasons best known to the learned Trial Court, the petition was not disposed of. It is since pending, in the meantime, the defendants filed an application under Order 39 Rule 4 of the Code of Civil Procedure. On 9th January, 2023, the petition was

supposed to be heard by learned Trial Court but the plaintiffs prayed for an adjournment and the matter is posted on 4th July, 2023 for hearing. When the learned Trial Court slapped an order of injunction upon the defendants *ex parte*, it is incumbent upon the learned Trial Court to dispose of the application within a month. However, the learned Court is directed to dispose of the application under Order 39 Rule 4 of the Code of Civil Procedure positively by 4th July, 2023 without granting any adjournment to either of the parties. If there is any compelling circumstances, the learned Trial Court shall dispose of the application on the next working day.

Let a copy of the order be sent down to the learned Trial Court for information and necessary compliance.

The revisional application being C.O. 1297 of 2023 is disposed of.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Siddhartha Roy Chowdhury, J.)