

ML 37
06.06.2023
Court. No. 19
GB

C.O. 1311 of 2023

Trina Chowdhury & Ors.
Vs.
Sri Parimal Dey & Ors.

*Mr. Gazi Faruque Hossain,
Mr. Ranjana Har Chowdhury,
Ms. Priyanka Mondal*

...for the Petitioners.

The petitioners are the defendants in a suit for partition, being Title Suit No.268 of 2020 which is pending before the learned Civil Judge (Senior Division), 2nd Court at Baruipur, District 24 Parganas (South).

The petitioners are aggrieved by the long pendency of the application for temporary injunction and the continuous extension of the ad interim injunction which was passed ex parte. It is submitted that the application for injunction is ready for hearing and the same should be disposed of at an early date.

It appears from the records that several adjournments were granted and the business of the court also did not permit hearing of the injunction application.

As the petitioners have made an innocuous prayer for expeditious disposal of the application for temporary injunction, the Court does not find any necessity to serve notice upon the opposite parties. The order of the expeditious disposal of the application for temporary injunction shall be beneficial to both the parties.

Accordingly, the revisional application is disposed of with a direction upon the learned Civil Judge (Senior Division), 2nd Court at Baruipur, District 24 Parganas (South) to dispose of the application for temporary injunction within a period of two months from the next date fixed, without granting unnecessary adjournments to either of the parties.

It is made clear that the Court has not gone into the merits of the suit and the contentions of the defendants. The learned court below shall decide the matter strictly in accordance with law on the merits of the application.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week from date.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)