

02.08.2023
Court No. 19
Item No.72
CP

C.O. 1547 of 2023

Sri Shib Shankar Mishra

Vs.

Sri Rahul Kumar maity & ors.

Mr. Anup Dasgupta

...for the petitioner.

The petitioner is the defendant no. 7 in Title Suit No. 35 of 2021, which is pending before the learned Civil Judge (Senior Division), 2nd Court, Tamluk, Purba Medinipur.

The petitioner prays for expeditious disposal of the application for temporary injunction filed by the plaintiffs. It is submitted that written objection has already been filed.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the said application within a period of two months from the next date fixed, upon allowing the contesting parties to file their written objection to the application for temporary injunction, if not filed.

Thereafter, the suit shall proceed and be disposed of within a year from the disposal of the application.

This court has not expressed any opinion on the merits of the pending application and also on the merits of the suit. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocates contesting the matter on behalf of the opposite parties in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)