

June 15, 2023
Sl. No.116
Court No.19
s.biswas

CO 1587 of 2023

Biswanath Saha
vs.
The Karbala Math and others

Mr. Rabindra Narayan Dutta
Mr. Sibashis Ghosh
Mr. Hare Krishna Halder
Mr. Ardhendu Nag
Mr. Arkoday Mukherjee
Mr. Ankit Dhara
Mr. N. N. Chatterjee
... for the petitioner/defendant no.1

The petitioner is the defendant no.1 in a suit for declaration and injunction. Title Suit No.1033 of 2022 is pending before the learned Civil Judge (Junior Division), 1st Court, Barasat, North 24 Parganas. The petitioner is aggrieved because the application under Order 39 Rule 4 read with Section 151 of the Code of Civil Procedure, has been kept pending since long.

It is submitted that the construction of the defendant no.1 has been stopped on the basis of the ex parte ad interim order.

It is informed to the court that the next dated fixed for hearing of the application under Order 39 Rule 4 of the Civil Procedure Code is June 21, 2023.

This court has not gone into the merits of the pending applications and of the suit. An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of

this application, upon the plaintiffs, would not be necessary. The prayer for early disposal is innocuous.

The revisional application is disposed of with direction upon the learned Civil Judge (Junior Division), 1st Court, Barasat to dispose of the pending application filed by the petitioner under Order 39 Rule 4 of the Civil Procedure Code along with the application for injunction filed by the plaintiffs, within a period of two months from the next date fixed, without granting unnecessary adjournments to either of the parties. The learned court will proceed independently.

Petitioner is directed to serve a copy of the revisional application upon the opposite parties, along with the server copy of this order.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)