

07.06.2023
Court No. 19
Item No.16
CP

C.O. 1659 of 2023

Tapan Sahoo & ors.
Vs.
Panchanan Maity & ors.

Mr. Manish Kumar Das

....for the petitioners.

The petitioners are the defendants in Title Suit No. 152 of 2018 which is pending before the learned Civil Judge (Junior Division) at Kakdwip, South 24-Parganas. The petitioners submit that long dates have been fixed by the learned court below and on the dates fixed, the business of the court did not permit the hearing of the suit and the pending misc. case. The petitioners pray that the learned court below be directed to fix short dates and conclude the suit within a limited period.

The prayer of the petitioner is innocuous. It appears from the order sheets that the application for injunction has not yet been disposed of. It further appears that the ad interim order has been extended from time to time, without disposal of the application for temporary injunction.

An order for expeditious disposal of the pending applications as also the suit will not cause any injustice to the opposite parties. In fact, such

expeditious disposal shall enure to the benefit of the parties and, hence, there is no requirement for service of notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division) at Kakdwip, South 24-Parganas to dispose of the application for temporary injunction along with other pending applications, if any, within a period of three months from the next date fixed.

After the disposal of the said application(s), sincere endeavour shall be made by the learned court below to dispose of the pending suit within a year thereafter.

This court has neither gone into the merits of the applications filed nor into the merits of the suit. The learned court below shall act and proceed independently and strictly in accordance with law.

Let a copy of the revisional application along with the server copy of this order be served upon all the opposite parties within a week.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)