

June 8, 2023
Sl. No.24
Court No.19
s.biswas

CO 1696 of 2023

Anirban Saha
vs.
Aniruddha Saha

Ms. Ananya Mondal
Mr. Murari Mohan Ganguly
... for the petitioner

The petitioner is the appellant in Misc. Appeal No.71 of 2022, which is pending before the learned Additional District Judge, 4th Court, Barasat.

The petitioner submits that although the delay in filing the misc. appeal was condoned, the application under Order 39 Rule 1 and 2 of the C.P.C., is still pending. It is submitted that the opposite party has been served with the notice and repeated adjournments had been taken thereafter.

Having perused the entire order, this court is of the view that justice would be subserved if the application for injunction filed in Misc. Appeal 71 of 2022 arising out of Title Suit 508 of 2022 is disposed of expeditiously and preferably within a period of two months from the next date fixed. Thereafter the appeal shall be heard and disposed of within next two months.

There is no requirement of service upon the opposite party prior to disposal of the revisional application as expeditious disposal shall enure to the benefit of all the parties.

This court has neither gone into the merits of the appeal nor the claims of the petitioner in the suit. The learned appellate court shall proceed independently and on the merits of the appeal granting adequate opportunity to all the parties.

The revisional application is disposed of.

All the parties and the learned court below shall act on the basis of server copy of this order

(Shampa Sarkar, J.)