

14.06.2023
Sl. No.28(DL)
srm

C.O. No. 1735 of 2023

Smt. Rakhi Das & Anr.

Versus

Sri Sudam Debnath

Mr. Siva Prasad Ghose

...for the Petitioners.

The petitioner is the plaintiff in Title Suit No.83 of 2020 pending before the learned Civil Judge (Junior Division), 2nd Court, Hooghly Sadar.

It appears from the records that the application for injunction has been kept pending and liberty has been granted to the defendant to file an application under Order XXXIX Rule 7 of the Code of Civil Procedure. A date has been fixed for hearing of the said application. According to the learned Advocate for the plaintiffs, the said application has not yet been filed. The learned Advocate submits that in order to delay the hearing of the injunction application such order has been passed and the defendant is taking advantage of the said order.

Having perused the records, this Court is of the view that the application for injunction should be disposed of within a period of two months from the next date fixed.

As this is an innocuous prayer for disposal of the injunction application, service of notice upon the opposite party is not necessary.

This Court has not expressed any opinion either on the merits of the injunction application or on the merits of the suit. The learned court below 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 party/defendant within a week from date.

The revisional application is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)