

Item No. 68
03.08.2023
Court. No. 19
GB

C.O. 1916 of 2023

Sri Debasis Hota
Vs.
Koyel Hota & Ors.

Mr. Anup Dasgupta

...for the Petitioner.

The revisional application has been filed by the defendant no.1 in Title Suit No.84 of 2021. The petitioner seeks expeditious disposal of the proceeding, on the ground that the ad interim order of injunction was being extended from time to time, but the main application had been kept pending along with an application for variation and/or vacation of the ad interim order of injunction. The said suit is pending before the learned Civil Judge (Senior Division), 2nd Court at Tamruk, District – Purba Medinipur.

Considering the age of the suit, this Court is of the view that the prayer of the petitioner is reasonable.

This Court has neither expressed any opinion on the merits of the suit nor on the merits of the applications. An order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite parties before its disposal. The prayer is innocuous.

Under such circumstances, this Court directs the learned Civil Judge (Senior Division), 2nd Court at Tamruk, District – Purba Medinipur to dispose of the application under Order 39, Rules 1 and 2 along with the application

under Order 39, Rule 4 of the Code of Civil Procedure within a period of two months from the next date fixed.

The learned court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

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

However, there will be no order as to costs.

All the parties as also the learned court below shall act on the basis of the server copy of this order.

(Shampa Sarkar, J.)