

03.07.2023
Court No.19
Item no.39
CP

C.O. 2052 of 2023

Saket Infradevelopers Private Limited & anr.
Vs.
Vishal Gupta & ors.

Mr. Saptarshi Mal
Mr. Shraman Sarkar

....for the petitioners.

The petitioners being the defendants in a suit for declaration and injunction, seek expeditious disposal of the pending applications. An application under Order 39 Rules 1 and 2 of the Code of Civil Procedure filed by the plaintiffs, along with the objection filed by the defendants, are pending. Application for modification filed under Order 39 Rule 4 and another application under Section 151 of the Code of Civil Procedure, are also pending.

It appears to the court that the subsequent applications for modification have been filed for variation and vacation of the order of ad interim injunction. Similar issues have also been raised in the written objection filed by the petitioners. Thus, justice would be subserved, if all the pending applications which have been filed with regard to the injunction, including the application for variation and vacation of the ad interim order, are heard and disposed of together with the objections. One

opportunity to file objections to the applications filed by the petitioners for variation and vacation of the ad interim order, shall be given to the plaintiffs, in case of such objections have not been filed as yet.

The prayer of the petitioners is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and, hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the all pending applications as indicated above, mandatorily, within a period of two months from the next date fixed, without granting unnecessary adjournments.

This court has not expressed any opinion on the merits of the pending applications. The learned court 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 parties and/or the learned advocates contesting the matter, on behalf of the opposite parties, in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)