

03.07.2023
Court No.19
Item no.40
CP

C.O. 2071 of 2023

Sri Ashok Kumar Dutta & ors.
Vs.
Sri Susmit Banerjee & ors.

Ms. Shebatee Datta
Ms. Babita Dey

....for the petitioners.

The opposite party nos. 1 and 2 as the plaintiffs, filed a suit for declaration and injunction. The petitioners seek expeditious disposal of the application for injunction along with the written objection filed in connection with the Title Suit No. 731 of 2017. The said suit is pending before the learned Civil Judge (Junior Division), 5th Court, Howrah.

It appears to the court that an application for temporary injunction as also an application for local inspection filed by the plaintiffs, are pending. Justice would be subserved if the pending applications are disposed of in accordance with law, independently, by the learned court below.

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 all the pending applications within a period of two months from the next date fixed. In the meantime, the petitioners shall file the written objection to the application for local inspection. The learned court shall decide the seriality in which the said applications should be disposed of.

As the application for injunction is pending since 2017, the presiding officer in the learned court or the Judge-in-Charge dealing with the docket of the said court shall make sincere endeavour to comply with this order.

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.)