

07.07.2023  
Court No. 19  
Item no.28  
CP

C.O. No. 2149 of 2023

Kuntal Guchait

Vs.

Sri Kalyan Guchait & ors.

Mr. Archan Dutta

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No. 416 of 2019, which is pending before the learned Civil Judge (Senior Division), 1<sup>st</sup> Court, Barasat. The petitioner submits that an application for temporary injunction has been pending since April, 2021. It is submitted that the defendants have not yet filed their written objection although several opportunities were given to them. The petitioner prays for expeditious disposal of the application as also of the suit.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, 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.

Having considered the age of the suit and the age of the pending application, this court thinks such prayer is reasonable. The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application for

temporary injunction within a period of two months from the next date fixed, upon granting one last chance to the opposite parties to file their written objection, if any. Thereafter, the suit shall proceed expeditiously.

This court has not expressed any opinion on the merits of the said pending application as also the suit. 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.)**