

September 14, 2023
Sl. No.243
Court No.19
s.biswas

CO 2337 of 2023

Sri Ramaprasad Hati
vs.
Sri Tapas Mondal and others

Mr. Debashish Banerjee
Mr. Amit Chaturvedi
Mr. Rakesh Jana
Mr. Avijit Banik

... for the petitioner

The petitioner is the defendant no.1 in Title Suit No.114 of 2019, which is pending before the learned Civil Judge (Senior Division), Arambagh, Hooghly. The petitioner prays for expeditious disposal of the suit along with the application for temporary injunction. It is submitted that the ad interim injunction has been extended from time to time but the main application has not been disposed of.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending suit as also the application for injunction, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the psuit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite parties, would not be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application for injunction within a period of three months from the next date fixed, thereafter the learned court below will proceed with the suit and dispose of the same within a year from disposal of the application for injunction, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

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

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)