

21.09.2023
Court No. 19
Item no.205
CP

CO/2483/2023

ATANU MAJHI
VS
MALAYA KUMAR GHOSH ALIAS
MALAY KUMAR GHOSH AND ORS.

Mr. Nirmalendu Bera
Mr. Gora Chand Samanta
.....for the petitioner.

The petitioner is the defendant no. 9 in Title Suit No. 1289 of 2019, which is pending before the learned Civil Judge (Senior Division) 6th Court at South 24 Parganas. It is submitted that an application for injunction has been pending since long and the ad interim order is being extended from time to time.

The prayer of the petitioner 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. 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 application within two months from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the application. 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 advocate 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.)