

11.12.2023
Court No. 19
Item no. 263
CP

C.O. No. 2513 of 2023

Ananda Mondal
Vs.
Ashim Kumar Mondal & ors.

Mr. Arijit Sarkar
Ms. Prajaaini Das

.....for the petitioner.

The petitioner prays for expeditious disposal of the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, filed in connection with Title Suit No. 36 of 2023 which is pending before the learned Civil Judge (Junior Division) First Court at Barasat.

It is submitted that the plaintiffs are enjoying the interim order and delaying the disposal of the injunction application.

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 three 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.)