

FMAT 788 of 2013

Sanjoy Ghosh

Vs.

Smt. Mousumi Ghosh & Ors.

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Mr. Aniruddha Mitra
Mr. Rajdeep Bhattacharyya
... For the Appellant

Mr. Probal Kumar Mukherjee, Sr. Adv
Ms. Shebatee Dutta
... For the Respondent no. 3

The appeal is arising out of an order refusing to pass injunction in a suit for partition. The instant appeal is preferred against the said impugned order.

On 9th December, 2013 a coordinate bench admitted the appeal and directed the appellant to prepare the paper book, but the coordinate bench did not pass any order of injunction at the time of admission of the appeal.

It appears from the record that the lower court record was received on 22nd December, 2015, as a result thereof, the suit could not be heard.

Learned counsel appearing for the appellant submits that the direction may be passed for expeditious disposal of the suit.

In view of the fact that the appellant was not enjoying any interim order for the last twelve years, we are not inclined to interfere with the order passed by the learned trial court. We, however, request the learned Civil Judge, Senior Division, 1st Court at Hooghly to dispose of the suit as expeditiously as possible.

In the event, the suit is not ready for hearing the learned trial judge shall pass peremptory

directions with regard to the procedural matter in order to make the suit ready for hearing and then to proceed with the suit. We also request the learned trial court not to grant any adjournment to either of the parties, unless it is unavoidable.

With the aforesaid direction the appeal stands disposed of.

The department is directed to send down the lower court record immediately to the concerned trial court.

(Uday Kumar, J.)

(Soumen Sen, J.)

