

28.08.2023
Court No. 19
Item no.48
CP

C.O. No. 2917 of 2023

Uttam Kumar Yadav @ Tuntun Yadav & anr.

Versus

Balaram Bauri & ors.

Mr. Surajit Roy

....for the petitioners.

The petitioners are the defendant nos. 1 and 2 in Title Suit No. 678 of 2022, which is pending before the learned Civil Judge (Junior Division), 3rd Court at Asansol. The petitioners pray for expeditious disposal of the application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure along with the written objection filed by the defendants. It is submitted that the ad interim injunction has been extended from time to time but the main application is yet to be disposed of.

The prayer of the petitioners 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 and 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 said application, within a period of three months

from the next date fixed, upon granting adequate opportunity 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.)