

31.08.2023
Court No. 19
Item No.60
CP

C.O. 3020 of 2023

Sri Haru Mondal
Vs.
Md. Israil & ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Ms. D. Ganguly
Mr. K. Bhattacharya
Ms. S. Chakraborty

.....for the petitioner.

The defendant no. 5 prays for expeditious disposal of the application for injunction in connection with Title Suit No. 11 of 2023, which is pending before the learned Civil Judge (Junior Division) 1st Court, Barrackpore. It is submitted that the Misc Appeal No.13 of 2023 arising out of an order of ad interim injunction was dismissed by an order dated July 25, 2023 passed by the learned Additional District Judge 1st Court, Barrackpore.

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 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 application for temporary injunction, in

accordance with law. The application for temporary injunction shall be disposed of within two months from the next date fixed, upon receipt of LCR. The parties should be permitted to contest the same. Thereafter, the suit shall proceed and be disposed of within a year.

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