

Item No. 34
03.07.2023
Court. No. 19
Sourav

C.O. 2919 of 2022

Jahangir Alam
Vs.
Jakir Hossain & Ors.

Ms. Sohini Chakraborty,
Mr. Arup Sarkar

...for the Petitioner.

The petitioner is the plaintiff in Partition Suit No.104 of 2021 which is pending before the learned Civil Judge (Senior Division), at Chanchal, District – Malda.

In this revisional application, the petitioner prays for expeditious disposal of the application for injunction filed under Order 39, Rules 1 and 2 of the Code of Civil Procedure. According to the petitioner, the defendant no.1 has filed the written objection to the said application. Referring to the order sheet, it is submitted that the ad interim order of injunction was extended from time to time, but later, no extension was granted. The order dated June 16, 2022 reveals that the written objection has been filed by the defendant no.1.

It is submitted by Ms. Chakraborty that the application for injunction has been filed with reliefs, only against the defendant no.1. Once the defendant no.1 has filed the written objection, the learned court can proceed with the hearing of the injunction application without waiting for service return in respect of the other defendants.

This Court finds merit in such submission and deems it fit to direct the learned court below to dispose of the application for temporary injunction, strictly in accordance with law, within a period of three months from the next date fixed. If the other defendants enter appearance in the meantime, they shall also be allowed to contest the hearing of the application.

This Court has not expressed any opinion either on the merit of the application for temporary injunction or on the merits of the suit. An order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite parties before its disposal. The prayer is innocuous.

The learned court below shall proceed in accordance with law and independently.

Accordingly, the revisional application is disposed of.

Petitioner is directed to serve a copy of the revisional application upon the opposite parties, along with the server copy of this order.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)