

09.10.2023
Item No.36
RP
Ct. No.7

CO 3110 of 2023

**Mithua Bose & Ors.
Vs.
Ekadashi Halder**

None appears for the petitioners at the time of call.

No accommodation has been prayed for either.

It appears from paragraph 11 and the grounds of the application under Article 227 of the Constitution of India that the Civil Order has been filed alleging that the date has been fixed for framing of issues by keeping the application under Order 39 Rule 4 of the Civil Procedure Code, 1908 pending. It further appears from the record that the application under Order 39 Rule 1 and 2 along with Section 151 thereof was taken up for hearing and the learned trial Judge by an order dated April 27, 2023 allowed the petition under Order 39 Rule 1 and 2 read with Section 151 of the Civil Procedure Code, 1908.

Since the application under Order 39 Rule 4 of the Civil Procedure Code, 1908 was filed for vacating the ad interim order of injunction and in the meantime upon a contested hearing the application under Order 39 Rule 1 and 2 of the Civil Procedure Code, 1908 has been disposed of, nothing remains to be decided on the

application under Order 39 Rule 4 of the Code of Civil Procedure, 1908. The ad interim order of injunction passed on 20.05.2022 was made absolute by the order passed under order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908. The application under Order 39 Rule 4 of the Code of Civil Procedure, 1908 has become infructuous and accordingly the same shall be deemed to have been disposed of by the order dated 27th April, 2023.

With the above observation, civil order stands disposed of.

(HIRANMAY BHATTACHARYYA, J.)