

18.10.2023
Sl. No.10(DL)
srm

C.O. No. 3841 of 2023

Sanat Mondal @ Sanat Kumar Mondal & Anr.

Versus

Sudeb Mondal & Ors.

Mr. Sukdeb Sarkar

...for the Petitioners.

The petitioners complain of repeated adjournments which were allowed by the learned Civil Judge (Senior Division), Diamond Harbour, South 24-Parganas, in Title Suit No.69 of 2023. The defendants were allowed several opportunities to file written objections.

According to the petitioners, there is urgency in the matter and the defendants have been raising construction on the suit property.

This Court is of the view that the prayer for ad interim order of injunction cannot be granted in this proceeding. However, the petitioners are at liberty to approach the learned court below and file an application, praying for preponment of the date of hearing of the injunction application upon service of such application along with the server copy of this order

upon the defendants and also upon the learned Advocates appearing on behalf of the defendants in the court below.

The learned court below shall fix the dates in accordance with law upon hearing both the parties.

The injunction application should be disposed of within two months from the date to be fixed by the learned court below.

This Court has neither gone into the merits of the pending application nor gone into the merits of the suit. The learned court below is at liberty to proceed independently and in accordance with law.

A copy of the revisional application also be served upon the opposite parties.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)