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No. 3 2023
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**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

C.O. No.119 of 2023

**DIPAK ROY & ANR.
-VERSUS-
SUBHASH SAHA & ORS.**

**Mr. Bikramaditya Ghosh, Adv.
Mr. Supriya Singh, Adv.
Mr. Anirban Banerjee, Adv.
...for the Petitioners.
Mr. Amritam Mondal, Adv.
Mr. Bikash Singha, Adv.**

Affidavit of service filed by the petitioners is taken on record.

This is an application under Article 227 of the Constitution of India against an order being No.4 dated 12.09.2023 passed by the learned District Judge at Jalpaiguri in Misc. Appeal No. 61 of 2023.

By the impugned order the learned Court below was pleased to grant stay of the impugned order dated 10.08.2023 passed by the Trial Court.

It is submitted on behalf of the petitioners that by the impugned order dated 10.08.2023 learned Court below granted ex parte order of injunction without assigning any reason whatsoever.

Being aggrieved by that order the present Misc. Appeal has been preferred and the learned Court below neither granted stay in respect of the said impugned order of ad interim injunction nor has made any attempt for expeditious disposal of the Misc. Appeal.

Having considered the facts and circumstances of the case it appears that the present application may be disposed of with a direction upon the Court below to dispose of the Misc. Appeal at the earliest.

In such view of the matter, C.O. No.119 of 2023 is hereby disposed of directing the Court below to dispose of the Misc. Appeal being Misc. Appeal No. 61 of 2023 within a period of 30 days from the date of communication of this order, without granting any unnecessary adjournments to either of the parties.

I have not gone into the merits of the application and the Court below will dispose of the Misc. Appeal No. 61 of 2023 without being influenced by any observation made herein.

(Ajoy Kumar Mukherjee, J.)