

IN THE HIGH COURT AT CALCUTTA
Extra Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

ALP/5/2023

JITENDRA NARAYAN RAY SISHU SEVA BHAWAN
VS
M/S SHOYONA MEDICAL FOUNDATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 14th July, 2023.

Appearance:

Mr. Amiya Kumar Dutta, Adv.
Mr. Swadesh Priya Ghosh, Adv.
..for the petitioner

Mr. S. Banerjee, Adv.
Mr. P. Bag, Adv.
Mr. S.Sarkar, Adv.
Mr. V. Neogi (Dasgupta), Adv.
..for the respondent nos.1 to 5.

The Court: The affidavit of service filed in Court today, be taken on records.

As the contesting parties are before this Court, issuance of formal Rule is dispensed with.

The petitioner is the plaintiff in Title Suit No. 19 of 2021 which is pending before the Learned Civil Judge, Senior Division at Sealdah.

The petitioner submits that the application for temporary injunction has been pending since long and the Learned Court below has failed to dispose of the same on an urgent basis upon considering the nature of this pleadings.

It is alleged that several adjournments have been allowed by the Learned Court.

Considering the pleadings, this Court is of the view that justice would be subserved if the Learned Trial Judge is directed to dispose of the pending application for temporary injunction within two weeks from the next date fixed without granting any adjournment to either of the parties.

It is made clear that this Court has not gone into the merits of the contentions of the parties either in the said suit or in the application for injunction.

After disposal of the application for injunction, the suit shall proceed expeditiously and be disposed of within a year.

As no affidavit has called for, the allegation against the opposite parties is not deemed to be admitted and the allegations against the Learned Judge would also not be taken into consideration.

The application is disposed of.

Parties to act on a server copy of the order.

Urgent certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(SHAMPA SARKAR, J.)