

19.03.2024
Court No. 19
Item no.52
CP

C.O. No. 256 of 2024

Mohammad Alauddin

Vs.

RTS Construction & Ors.

Ms. Shebatee Datta

Ms. Poulami Roy

....for the petitioner.

This court does not deem it fit to interfere with the order passed by the learned Trial Judge and the order of refusal to grant an ad interim stay in Misc. Appeal No. 243 of 2023. The said Misc. Appeal is pending before the learned District Judge, South 24 Parganas, Alipore. According to this court, the prayer for ad interim stay of the order passed in the Title Suit No. 779 of 2023 would amount to allowing the Misc. Appeal in the absence of the respondents therein.

Under such circumstances, the only order that can be passed in this proceeding is to direct the learned appellate court to dispose of the Misc. Appeal along with the pending application, expeditiously. As it appears that the service is not complete, the petitioner shall approach the learned appellate court with a prayer to allow the petitioner to serve the respondents as an alternative mode, apart from the usual mode of service.

If the learned court is satisfied that the respondents in the appeal have been served, then the appeal shall be expedited and be disposed of within a month from receipt of report of service of the memorandum of appeal and stay application upon the respondents.

This court has not gone into the merits of the claims of the petitioner.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)