

19.03.2024
Court No. 19
Item no.53
CP

C.O. No. 310 of 2024

Peter Remedios & ors.

Vs.

Dalhousie Institute & ors.

Mr. Joy Saha, Sr. Advocate

Mr. Subhojit Saha

Ms. Nandini Sharma

....for the petitioners.

This court does not find any reason to interfere with the order impugned dated December 8, 2023, passed by the learned Civil Judge (Senior Division), 2nd Court at Alipore in Title Suit No. 1461 of 2023.

By the order impugned, the learned court fixed three applications for hearing – one of amendment of the plaint, the second for rejection of the plaint and the third under Order 1 Rule 10 of the Code of Civil Procedure.

The learned court shall proceed in accordance with law and dispose of the above applications in accordance with law and as per the seriality they deserve.

As the injunction application is yet to be heard, the learned court must make sincere endeavour to dispose of the three applications within three months from the next date fixed. On the basis of the outcome of the application for rejection of the plaint, the

application for injunction shall be disposed of within a month thereafter, if the plaint survives.

This court has not interfered with the order impugned, but is only requesting the court to dispose of the applications in an expeditious manner. There is no requirement for service of prior notice of this revisional application upon the opposite parties. In fact, such expeditious disposal shall enure to the benefit of all the parties.

This court has not expressed any opinion on the merits of the applications. The learned court shall proceed independently and in accordance with law. A copy of this application will be served upon the opposite parties.

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.)