

Item No.6
19.03.2024
Court. No. 19
GB

C.O. 415 of 2022

Smt. Mina Deb & Ors.
Vs.
Sri Pradip Ranjan Deb & Ors.

Mr. Sougata Banerjee,

...for the Petitioner.

The petitioners pray for expeditious disposal of Title Suit No.599 of 2019, which is pending before the learned Civil Judge (Senior Division), 1st Court at Barasat, District – 24 Parganas (North).

It appears from the records that dates have been fixed by the learned court for hearing of a show cause and payment of cost. It appears that on January 8, 2020, no steps were taken by the plaintiffs. Thereafter, on the basis of an order of this Court directing expeditious disposal of the injunction application, the plaintiffs were asked to inform a date so that the defendants may be informed about the preponement. On October 14, 2020, the plaintiffs prayed for shifting back the date. December 19, 2020 and January 6, 2021 were fixed for hearing of the application for temporary injunction. Plaintiffs were directed to take steps with regard to the service upon the other defendants. Thereafter, the injunction application was fixed for ex parte hearing against the defendant nos.9 to 12. The written statement does not appear to have been filed.

This Court is unable to understand whether the defendants are to be blamed for the delay or the court is to be faulted for dragging the suit. It also appears that the plaintiffs had often prayed for adjournments.

In any event, it is for the learned court to proceed with the suit on the basis of the records and upon understanding the exigency of the situation. The parties are at liberty to approach the learned court for expeditious disposal of the injunction application and also the suit.

This Court has neither gone into the merits of the application nor on the merits of the suit. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application, along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)