

12.03.2024
Sl. No.11(DL)
srm

C.O. No. 520 of 2024

Sri Partha Sarathi Ray & Anr.

Versus

Bhargab Sales Private Limited & Ors.

Mr. Arindam Guha,
Mr. Shuvasish Sengupta,
Ms. Arpita Dey

...for the Petitioners.

The defendant Nos.4 and 5 in Title Suit No.1670 of 2021 pray for expeditious disposal of an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The proceedings are pending before the learned Civil Judge (Junior Division), 1st Court at Alipore, South 24-Parganas.

It is submitted that the order of ad interim injunction has been extended from time to time, but the main application has been kept pending. The written objection to the said application has also been filed.

Considering the submission, this Court is of the view that the prayer of the petitioners for early disposal of the proceeding, is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties.

Hence, there is no requirement for service of prior notice upon the opposite parties.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court to dispose of the injunction application mandatorily within a period of three months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the application.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)