

25.09.2024
Item No.156, ML
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 579 of 2024

Sk. Ruhul Amin & Ors.

-Vs-

Nur Ali Molla & Ors.

Mr. Sourav Sen,
Mr. Indrajit Bhattacharjee,
Mr. Moloy Roy Choudhury.
.....for the petitioners.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present application upon the said opposite parties is dispensed with.

The petitioners are the defendants of a suit for declaration of title and injunction. The said suit being Title Suit No.1223 of 2023 is pending before the 3rd Court of the learned Civil Judge (Senior Division) at Alipore, District : 24-Paraganas (South).

The learned Trial Judge by the order dated September 06, 2023 had refused to pass an ad-interim order of injunction on the application filed by the plaintiffs under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, aggrieved thereby, the plaintiffs have preferred the connected Misc. Appeal No.320 of 2023 pending before the 14th Court of the learned Additional

District Judge at Alipore, District : 24-Parganas (South).

The petitioners are suffering an ad-interim order of injunction passed in the said appeal.

The petitioners are complaining unnecessary delay in disposal of the said appeal and are praying for a direction for expeditious disposal of it.

The said appeal, by its nature and scope demands expeditious disposal.

The Appeal Court below, therefore, is requested to dispose of the said misc. appeal as expeditiously as possible in accordance with law, if it is otherwise ready for such disposal and in doing so, shall not grant any unnecessary adjournment to either of the parties.

C.O. 579 of 2024 is disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)