

05.11.2024
Item No.
ML 43
Saswata

C.O. 741 of 2024

**Shuvro Bhattacharjee & Anr.
versus
Santu Kathuria**

Mr. Supreme Naskar
Ms. J. Patra
Ms. S. Ghosh
Ms. P. Saha

...For the plaintiffs/petitioners

1. Considering the relief sought for, the present revisional application is taken up for consideration without service of copy of the revisional application on the defendant/opposite party.
2. It is the plaintiffs'/petitioners' case that despite filing a suit for declaration and permanent injunction and an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure on 22nd February 2021, the said application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure is yet to be disposed of.
3. Mr. Naskar, learned advocate appearing for the plaintiffs/petitioners would submit that although the defendant/opposite party is contesting the said application by filing written objection, the defendant/opposite party had been seeking adjournments with an object to delay the disposal of the injunction application as well as the suit. He, therefore, prays for expeditious disposal of the injunction application in a time bound manner.
4. Having regard to the nature of relief sought for and upon perusal of the order sheet, in my opinion the injunction application filed by the plaintiffs/petitioners which has remained pending for more than 3 and half years needs to be disposed of at the earliest.
5. In view thereof, I am of the view that the Learned Civil Judge (Junior Division), 5th Court, Alipore should dispose of the

injunction application filed by the plaintiffs/petitioners as expeditiously as possible preferably within a period of 3 months from the date of communication of this order without granting unnecessary adjournments to any of the parties.

6. With the above observations and directions, the revisional application being C.O. no. 741 of 2024 is accordingly disposed of.

7. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)