

Item No.13
04.04.2024
Court. No. 19
GB

C.O. 832 of 2024

Md. Hasan Mufti
Vs.
Golam Hossain Mondal & Ors.

Mr. P.K. Kundu,
Mr. Kingsuk Mondal

...for the Petitioner.

By this application, the petitioner seeks expeditious disposal of an application for injunction filed in connection with Title Suit No.253 of 2021, which are pending before the learned Civil Judge (Senior Division), 3rd Court at Alipore.

It is submitted that an application under Order 39 Rule 4 of the Code of Civil Procedure has been filed in connection with the injunction application.

Considering the submissions, this Court is of the view that the prayer of the petitioner 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 application for injunction together with the application under Order 39 Rule 4 of the Code within a period of two months from the next date fixed. Thereafter the court shall make a sincere endeavour to dispose of the suit within a year. Adequate opportunity shall be given to the parties to contest the same.

This court has neither expressed any opinion on the merits of the applications 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.

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.)