

April 30, 2024  
Sl. No.17  
Court No.19  
s.biswas

CO 1273 of 2024

*Manik Dey*  
*vs.*  
*Subhankar Dey and others*

Mr. Sk. Samim Akhtar

... for the petitioner

The petitioner seeks expeditious disposal of the application filed in connection with Title Suit No.103 of 2024, which is pending before the learned Civil Judge (Senior Division), 1<sup>st</sup> Court, Sadar, Paschim Medinipur.

This is a partition suit. It appears that the defendant 2 to 8 are yet to be served with the summons. Thus, at this stage it could be improper to direct the court to decide the application seeking variation of the order of injunction. The petitioner submits that the plaintiff obtained an order of injunction and the other defendants would not have any role to play if such application is disposed of expeditiously.

Hence, any order that may be passed on the prayer in the application under Section 151 of the Code of Civil Procedure is likely to affect all the parties.

Thus, the prayer is refused. However, the petitioner is at liberty to approach the learned court seeking expeditious disposal of the suit in accordance with law. The learned court can independently fix the date of hearing of the application.

**(Shampa Sarkar, J.)**