

24.01.2024
Srimanta
Sl. No. 18
Ct. No. 655

CO/2030/2015

Dilip Kumar Chakraborty
-Vs.-
Dhiman Chakraborty @ Bapi

Both the parties are not represented.

The instant revisional application is preferred at the behest of the petitioner under Article 227 of the Constitution of India challenging the orders passed by the learned Trial Court on different dates.

It appears that plaintiff/petitioner (herein) has filed a suit being Title Suit No. 369/2011 before the learned Trial Court praying for eviction of licensee and recovery of khas possession against the defendant. An application was taken out at the behest of the petitioner under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure with a prayer for temporary injunction during pendency of the suit before that Trial Court. It appears that defendant entered his appearance in that suit. Thereafter, several adjournments were granted by the Trial Court on different occasions without taking venture to dispose of the application filed by the plaintiff/petitioner praying for temporary injunction.

Although parties are not present before this Court but I feel that an order is to be passed directing upon the learned Trial Court to dispose of the application filed by the petitioner under Order 39 Rule 1 and 2 of the Civil Procedure Code expeditiously if it has already not been disposed/decided of. Learned Civil Judge (Junior Division), 4th Court at Sealdah is hereby directed to dispose of the application filed by

the plaintiff/petitioner filed under Order 39 Rule 1 and 2 read with Section 152 of the Civil Procedure Code filed in connection with Title Suit No. 369 of the 2011 within two months from the date of communication of this order if it has already not been decided/disposed of.

Accordingly, this revisional application being CO/2030/2015 is hereby disposed of.

Interim order, if any, stands vacated.

Let a copy of this order be sent down to the learned Trial Court immediately for compliance.

There will be no order as to costs.

(Prasenjit Biswas, J.)