

18.06.2024
Item No.16, DL
Ct.19
A.J.

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

C.O. 2061 of 2024

**Sri Partha Das
-Vs-
Srimati Sutapa Banik**

Mr. Sanjib Kumar Mukhopadhyay,
Ms. P. Ghosh (Roy).
.....for the petitioner.

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 party, as such, service of notice of the application upon the said opposite party is dispensed with.

The defendant in a suit for partition being Title Suit No. 1646 of 2022 pending before the 7th Court of the learned Civil Judge (Senior Division) at Alipore, District : 24-Parganas (South) is the petitioner, he is complaining delay in disposal of the application for injunction filed by the plaintiff.

Mr. Mukhopadhyay, learned Advocate for the petitioner submits that his client has already filed written objection to the application for injunction, as such, it is ready for hearing, but the plaintiff since is enjoying an ad interim order of injunction, is not interested in the disposal of the said application. He prays that the said application and the application filed by his client for variation and/or modification of the ad interim

order of injunction under Order XXXIX Rule 4 may be directed to be disposed of expeditiously.

An application for injunction under Order XXXIX Rules 1 and 2 by its nature demands expeditious disposal, as such, the said application is required to be disposed of expeditiously, particularly when the petitioner is suffering an ad interim order passed on the said application.

The learned Trial Judge is, therefore, requested to make all endeavours to dispose of the said application for injunction and the said application under Order XXXIX Rule 4 of the Code filed by the defendant as expeditiously as possible, preferably within a period of eight weeks from the date of communication of this order, and in doing so, the learned Trial Judge shall not grant any unnecessary adjournment to either of the parties.

C.O. 2061 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.)