

24.01.2024
Srimanta
Sl. No. 25
Ct. No. 655

CO/2567/2015

***The Most Rev. P.K.Samantaroy, Moderator, CNI
& Bishop of Amritsar & Ors.***

-Vs.-

Sri Jues Charan Narjinari & Anr.

Both the parties are not represented.

This instant application filed under Article 227 of the Constitution of India with a prayer for expeditious hearing and disposal of the application taken out by the plaintiffs under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure filed in connection with Title Suit No. 57/2015.

It appears that the opposite parties(herein)/plaintiffs instituted a suit against the present petitioners before the Court of learned Civil Judge (Junior Division), Siliguri with a prayer for decree for declaration to the effect that the election of Bishop of Eastern Himalayan Diocese proposed to be held on 14th February, 2015 is illegal. Simultaneously with the institution of the said suit opposite parties entered their appearance in that case and took out an application under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure with a prayer for temporary injunction restraining the present petitioners from conducting the election. Thereafter, an injunction application was moved *ex parte* before the learned Trial Court on 13.02.2015. An order was passed by the Trial Court restraining these petitioners for conducting the election for the purpose of electing Bishop. Thereafter, these petitioners filed an

application under Order 39 Rule 4 read with Section 151 of the Code of Civil Procedure praying for setting aside the said ad interim order of injunction passed by the Trial Court dated 13.02.2015. It is stated in the application that the said application filed by these petitioners has not been disposed of till the filing of the revisional application.

Although parties are not present before this Court today I feel that necessary direction is to be passed upon the Trial Court for disposing of the applications filed in connection with the Title Suit No. 57/2015 pending before that Court.

Accordingly, the learned Civil Judge (Junior Division) at Siliguri is hereby directed to dispose of all the pending applications filed by the parties in connection with Title Suit No. 57/2015 positively within three months from the date of communication of this order if it has already not been decided/disposed of. Accordingly, the revisional application being CO/2567/2015 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.)