

05.08.2024
(M/L-18)
Ct. No.4
(Nabo)

**F.M.A. 641 of 2023
With
CAN 2 of 2022**

**Doyali Ghosh & Ors.
Vs.
Nilmoni Ghosh & Ors.**

Mr. Nirmalendu Bera,
Mr. Abhijit Sarkar,
Mr. Raja Biswas.

...for the Appellants

Mr. Amit Baran Dash,
Mr. Subhrajyoti Ghosh,
Mr. Ankana Sarkar.

...for the Respondents

1. The defendant/appellant has assailed the order dated 07.04.2021 whereby the Court of Civil Judge (Senior Division), 1st Court, Krishnagar, Nadia has been pleased to grant an order of temporary injunction in favour of the plaintiffs. The parties are co-sharers and it is not in dispute that they are in possession of certain shares of the property, partition of which has been sought.
2. This is a suit for partition by metes and bounds under Order 20, Rule 18 C.P.C. The learned counsel for the appellant submits that it is not in dispute that the proceedings have considerably progressed and is at the stage of framing of issues and therefore, the parties seek a direction upon the Trial Court to expeditiously proceed with the

matter with a view to its logical end and conclusion.

3. In view of the nature of submissions advanced today, we direct the learned Trial Court to ensure that the suit is heard expeditiously without granting any undue adjournments or unnecessary delay for ensuring conclusion as soon as possible.
4. In view of the nature of the order we have passed in the application nothing survives in the appeal as the appeal has been preferred against the order of temporary injunction.
5. The appeal and the application are, thus, disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)