

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3704 of 2022

Arya Parishad Vidyalaya For Girls (Higher Secondary)
Vs.
The Chairman, Kolkata Port Trust
known as Shyama Prasad Mukherjee Port Trust & Anr.

Mr. Amit Baran Dash
Ms. Ankana Sarkar
... For the petitioner

Ms. Antalina Guha
... For the opposite party no.1

1. This revisional application has been preferred challenging the order dated 27th September, 2022 passed in connection with Title Suit No.1559 of 2022 by the learned Civil Judge (Junior Division), Alipore, South 24-Parganas wherein the learned Judge refused the prayer for ad interim order with a direction upon the plaintiff/petitioner herein to issue notice upon the defendants calling them to file show cause within ten days after puja vacation.

2. Learned counsel appearing on behalf of the petitioner appears and submits that the plaintiff is a High Secondary School under the name and style 'Arya Parishad Vidyalaya For Girls' represented by its Secretary Kamal Kumar Sharma who filed a suit for an order of injunction by restraining the respondents/defendants and their men and agent not to disturb the peaceful possession

and enjoyment of the appellant/plaintiff's organization in respect of the suit property along with an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure.

3. Considering the facts and circumstances of the case, the learned Judge observed that without hearing the defendants no interim order could be passed. Accordingly, direction was given to issue notice upon the defendants calling upon them to file show cause within ten days after puja vacation.

4. Learned counsel appearing on behalf of the opposite party no.1/Port Trust appears and undertakes to file vakalatnama in course of this day.

5. On careful perusal of the observation recorded in the impugned order dated 27th September, 2022, I do not find any infirmity or illegality to interfere with the order impugned.

6. Learned counsel appearing on behalf of the revisionist/petitioner has submitted that necessary direction be given to the learned Trial Court to dispose of the application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure within a specified period.

7. Given facts and circumstances, the revisional application stands dismissed, with a direction upon the learned Trial Judge to dispose of the application under

Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure within three months from the date of communication of this order after giving an opportunity of being heard to all the parties to the suit.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)