

Item No.177
01.02.2024
Court. No. 19
GB

C.O. 4087 of 2023

Non-Teaching Staff (Consolidated Pay) Association,
Syamaprasad College, represented by Arup Kumar Das
Vs.
Mithun Shaw & Ors.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey,
Mr. Mukesh Khanna,
Mr. Syed Neaz Ahmed,
Mr. Mrinmay Nandy

...for the Petitioner.

By this application, the petitioner seeks expeditious disposal of the Miscellaneous Appeal No.26 of 2023, which arose out of Title Suit No.1985 of 2022. The said application is pending before the learned Additional District Judge, 3rd Court at Alipore, District – 24 Parganas (South).

As it appears that the misc. appeal is from an order refusing ad interim injunction, a short question is involved in the misc. appeal.

Considering the submissions, this Court is of the view that the prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the misc. appeal within the next four months from the next date fixed along with all pending applications. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion on the merits of the suit. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application, along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)