

03.01.2024
Court No. 19
Item no.07
CP

C.O. No. 4255 of 2023

Smt. Parbati Ghosh

Vs.

Smt. Bharati Ghosh & Ors.

Mr. S. G. Dostidar

Mr. Gobinda Ghosh

Mrs. Maheswari Sharma

.....for the petitioner.

The petitioner is aggrieved by the order dated October 10, 2023, passed by the learned District Judge, Hooghly in Misc. Appeal No. 64 of 2023. According to the petitioner, the learned Judge mechanically rejected the Misc. Appeal as not maintainable, without considering that the order of ad interim injunction passed on May 20, 2022 as also the extension of the ad interim injunction by order dated July 3, 2023 were under challenge in the Misc. Appeal.

This court is of the view that justice would be subserved if the learned Trial Judge is directed to dispose of the application for temporary injunction filed in connection with Title Suit No. 287 of 2022 expeditiously, irrespective of pendency of the other interlocutory applications.

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 application within two months from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the application. 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, within a week.

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.)