

April 2, 2024
Sl. No.10
Court No.19
s.biswas

CO 4434 of 2023

Dewesh Auto Creative Service Private Ltd.
vs.
A. D. S. Builders & Developers Private Ltd. and others

Mr. Pradeep Kumar
Mr. Subhamoy Patra

... for the petitioner

The petitioner prays for expeditious disposal of an application for injunction filed in connection with Title Suit No.636 of 2022, which is pending before the learned Civil Judge (Senior Division), 3rd Court, Howrah. It is submitted that the service upon the defendant no.3 is not complete.

It is further submitted that the defendant no.3 was purposely avoiding service in order to delay the proceedings and render the prayer for injunction as infructuous.

This court is not in a position to assess the correctness of such submission. However, the petitioner is at liberty to pray before the learned court for substituted service, in case the facts and circumstances reveal that the defendant no.3 was avoiding service.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court is directed to dispose of the pending application, on an urgent basis.

This court has not gone into the merits of the application. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application would not be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court to make a sincere endeavour to dispose of the pending injunction application within a period of three months from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)