

May 01, 2024
ARDR (12 & 13)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction**

C.O. 53 of 2024

Smt. Ashoka Arora

Vs.

Smt. Basanti Devi Gupta

With

C.O. 63 of 2024

Smt. Ashoka Arora

Vs.

Smt. Basanti Devi Gupta

Adv. Arnab Sengupta,
Adv. Janardan Periwal,
Adv. Rajesh Kumar Sharma,
Adv. Deborshi Dhar,
Adv. R. Dey,
Adv. Rajat Singha,
...for the petitioner in both the matters.

Affidavit of service filed on behalf of the
petitioner is taken on record.

None appears for the opposite party despite
service.

The innocuous prayer of the petitioner in C.O.
53 of 2024 is for expeditious disposal of the injunction
application as well as the Title Suit pending before the
learned trial Court being the learned Civil Judge
(Junior Division) Jalpaiguri.

Learned counsel for the petitioner submits that
injunction applications filed by the plaintiff/opposite
party in the suit and also such application filed by the
petitioner along with counter claim are pending
consideration.

In view of the above, C.O. 53 of 2024 is disposed of directing the learned Civil Judge (Junior Division) Jalpaiguri to consider and dispose of both the injunction applications within two months from the next date of hearing fixed before him and thereafter dispose of the Title Suit as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

In C.O. no. 63 of 2024, the petitioner has prayed for setting aside the order passed by the learned trial Court on 2nd March, 2023 in Title Suit no. 457 of 2022. By the said order, learned trial Court has allowed the application filed by the plaintiff/opposite party under Order XXXIX Rule 7 of the Code of Civil Procedure.

Bare perusal of the order reveals that no reason has been assigned by the learned trial Court in allowing the application. Consideration of the application has been made by one liner “considering the whole aspect Gopal Majumder, learned Advocate is hereby appointed.....”.

The order impugned being bereft of any reasoning at all is required to be set aside.

Accordingly, C.O. no. 63 of 2024 is allowed.

The order impugned dated 2nd March, 2023 passed by the learned Civil Judge (Junior Division) Jalpaiguri in Title Suit no.457 of 2022 is set aside.

Learned Court is hereby directed to reconsider the application filed by the plaintiff/opposite party under Order XXXIX Rule 7 of the Code upon considering the submission made on behalf of both the parties and pass a reasoned and speaking order, in accordance with law.

There shall however, no order as to costs.

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

(Suvra Ghosh, J.)