

06-11-2024
Court No.3
SL.10
D.Ghosh

**In The High Court At Calcutta
Circuit Bench at Jalpaiguri**

**CO/153/2024
IA NO: CAN/1/2024**

**SMRITI TIE UP PRIVATE LIMITED
VS
BISWAJIT MAJUMDER@BABAN AND ORS**

Mr. Bapi Sarkar, Adv.
Mr. Chayan Moni Bhowal, Adv.
..for petitioner

Mr. Dr. Navin Barik, Adv.
Mr. Sandip Majumder, Adv.
Ms. Esha Acharya, Adv.
..for respondent no.5

The grievance of the present petitioner is that an application under Order XXXIX Rule 1 and 2 was filed by them in the Learned Trial Court being Civil Judge (Junior Division-1st Court) at Jalpaiguri. The Learned Civil Judge (Junior Division-1st Court) felt that there is no urgency of the matter and ad interim order was refused in terms of the Order dated 24. 06. 2024. Against that Order, the appeal was preferred before the Learned District Judge. The Memorandum of Appeal along with temporary injunction was also filed. Although in terms of the Order dated 14.08.2024 the

appeal was admitted and in terms of the Order dated 01.08.2024, copy of the injunction application was directed to be served, there is no reflection in the Order dated 14. 08. 2024 that injunction application was taken up for hearing. Even there is no direction to file affidavit in opposition against the said application.

Learned Counsel for the petitioner is aggrieved by this indifferent attitude where he needs urgent relief.

Per contra, learned Counsel for the respondent agreed that the injunction application should be heard and disposed of on merit.

According to the learned Counsel, his client does not stand on the way of early disposal of injunction application on merit.

The instant Civil Revisional Application is disposed of with a direction to the Learned District Judge, Jalpaiguri to dispose of injunction application within a period of 21 days from the date of receiving the Order without giving any undue adjournment.

Affidavit in opposition shall be filed within seven days from today.

Learned District Judge shall also consider any interim urgent relief, if necessary.

Interim application, if any, stands disposed of.

(SUGATO MAJUMDAR, J.)