

Sl.31
16.04.2025
Court No.6
BP

C.O. 937 of 2025

Asha Upadhaya
-versus-
Smt. Subhadra Debi & Ors.

Ms. Srijani Mukherjee
..for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the second defendant praying for a direction upon the learned Civil Judge, Junior Division, First Court at Barrackpore to dispose of the interlocutory applications filed in connection with Title Suit No. 286 of 2018 expeditiously.

The learned advocate appearing for the petitioner submits that the application for amendment of plaint filed by the opposite party no.1 herein is pending. She further submits that the application for injunction filed by the opposite party no.1 and the application under Order 39 Rule 4 of the Code of Civil Procedure filed by the petitioner herein are also pending. She further submits that the petitioner herein also filed an application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the written statement on 27th September, 2022. She submits that the hearing of the said applications has been fixed on 15th July, 2025. She also submits that the applications are otherwise ready for hearing.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite parties. However, the learned advocate appearing for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned advocates representing them before the learned trial judge.

From the order-sheets appended to the revisional application it appears that 4th March, 2025 was fixed for hearing of the application. From the order-sheet appended to this application this Court finds that 27th September, 2024 was fixed for hearing of the injunction application and the extension petition. It further appears from the order-sheet that the interim order was extended and the next date was fixed on 4th March, 2025 for hearing of the injunction petition and the extension petition. She further submits that 15th July, 2025 has been fixed for further hearing of the application under Order 39 Rule 4 of the Code of Civil Procedure.

In the light of the submissions made by the learned advocate for the petitioner, C.O. 937 of 2025 is disposed of by requesting the learned Civil Judge, Junior Division, First Court at Barrackpore to take up the hearing of the application under Order 39 Rule 4 of the Code of Civil Procedure on the next date fixed i.e. on 15th July, 2025 and to dispose of the same as expeditiously as

possible without granting any unnecessary adjournment to either of the parties.

The learned trial judge is further requested to make an endeavour to see that other pending interlocutory applications are also disposed of expeditiously without granting any unnecessary adjournment to either of the parties.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)