

Court No. 6
(265719)

27.03.2025
(AD 16)
(S. Banerjee)

CO 1040 of 2025

Ramesh Hait
Vs.
Prabir Mukhopadhyay

Mr. Rakesh Roy

...for the petitioner

This application under Article 227 of the Constitution of India is directed against order dated September 23, 2024 of the learned Additional District Judge, 2nd Court at Serampore, Hooghly in Misc. Appeal No. 60 of 2024.

The petitioner filed a suit for specific performance of a contract and for permanent injunction. In connection with the said suit, the petitioner filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure.

The learned trial Judge upon a contested hearing, rejected the application under Order 39 Rules 1 and 2 of the Code.

Being aggrieved, the petitioner has preferred the Misc. Appeal No. 60 of 2024 and in connection therewith filed an application praying for injunction.

Learned Judge of the first appellate Court by an order dated September 23, 2024 rejected the prayer for ad interim injunction. The learned trial Judge after considering the materials on record rejected the application for temporary injunction and the learned Judge of the first appellate Court refused to pass an ad interim order of injunction by an order dated September 23, 2024.

For such reason this Court is not inclined to pass any interim order at this stage without hearing the opposite party.

At this stage the learned advocate for the petitioner prays for a direction upon the learned Judge of the first appellate Court to dispose of Misc. Appeal No. 60 of 2024 as expeditiously as possible.

In the light of the submissions made by the learned advocate for the petitioner, CO 1040 of 2025 is disposed of by requesting the learned Additional District Judge, 2nd Court at Serampore, Hooghly to dispose of Misc. Appeal No. 60 of 2024 as expeditiously as possible, if the same is made ready for hearing, without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)