

C.O. 1371 of 2025

Manju Das & Ors.
-versus-
Tapas Manna & Ors.

Mr. Soumen Kumar Dutta
Mr. Subham Dutta
..for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against a judgement and order dated January 30, 2025 passed by the learned Additional District Judge, Paschim Medinipur in Misc. Appeal No. 71 of 2021 affirming the order dated August 13, 2021 passed by the learned Civil Judge (Junior Division), Kharagpur Court, Paschim Medinipur in Title Suit No. 85 of 2021.

The petitioners herein filed a suit for declaration of title and permanent injunction in Title Suit No. 85 of 2021. In connection with the said suit the petitioners herein filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure and prayed for an ad interim order of injunction. The learned trial judge by an order being no.2 dated 13th August, 2021 refused to pass any ad interim order of injunction. Being aggrieved against such order, the petitioners preferred Miscellaneous Appeal No. 71 of 2021 and the learned

Additional District Judge re-designated Paschim Medinipur by a judgement and order dated January 30, 2025 dismissed the said miscellaneous appeal.

After some argument Mr. Dutta, learned advocate appearing for the petitioners prays for a direction upon the learned trial judge to dispose of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure expeditiously. He submits that the opposite parties have already entered appearance in the said suit.

In the light of the submissions made by the learned advocate for the petitioner, C.O. 1371 of 2025 is disposed of by requesting the learned Civil Judge (Junior Division), Kharagpur Court, Paschim Medinipur to take up the hearing of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure on the next date fixed, if the said is otherwise ready for hearing and to dispose of the same as expeditiously as possible without granting any unnecessary adjournments 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.)