

M/L - 17
28.01.2025
Court. No. 5
S.Kundu

C.O. 1301 of 2024

Susmita Dutta & Ors.

Vs.

Bharati Majumder nee Adhikary

Mr. Soumojit Dasgupta,
Mr. Aditya Tiwari

...for the petitioners.

1. Affidavit of service filed in Court today is taken on record.
2. Affidavit of service demonstrates that although attempts were made to serve the revisional application on the opposite party since, the door remained locked and though intimation was served, service could not be finally effected.
3. The instant revisional application has been filed *inter alia*, praying for expeditious disposal of the Title Suit No. 12 of 2018 pending before the learned Civil Judge (Senior Division), 4th Court, Alipore.
4. The instant application has been taken out by the defendants. It is submitted that the suit is for specific performance of the agreement dated 19th June, 2003 executed between the predecessor of the defendants and the plaintiff as also for the direction upon the defendants to execute and register the deed of conveyance in favour of the plaintiff in respect of the

suit property which comprises of one complete finished flat on the first floor on the North-east side of Premises No. 422, S. N. Roy Road, P.S. – Behala, Kolkata – 700038. The details of the property are set out in the schedule of the plaint.

5. Mr. Dasgupta learned advocate representing the defendants/petitioners would submit that in the aforesaid suit the defendants have filed a written statement along with the counter-claim which was duly accepted by the learned Court by its order dated 27th August, 2018. In response to a query from the Court, he would submit that the injunction application filed by the plaintiff/opposite party is still pending.
6. Having regard to the nature of relief sought for, the aforesaid revisional application is taken up for consideration in absence of the opposite party. Considering the fact that the injunction application filed in the suit is pending since 2018, I am of the view that the learned Court should take expeditious steps for disposal of the injunction application preferably within three months from the date of communication of the order. Once, the injunction application is disposed of, it is expected that the learned Judge considering the pendency of the suit since the year 2018 would also make an endeavour to expeditiously dispose of the suit along with counter-claim filed by the defendants/petitioners.

7. With the above observations and directions, the revisional application stands disposed of. There shall be no order as to costs.
8. The petitioners are directed to serve the aforesaid order on the opposite party as also on the learned advocate representing the plaintiff/opposite party before the learned Trial Court and to intimate the factum of service on the opposite party before the learned Court.

(Raja Basu Chowdhury, J.)