

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1431 of 2024

Mandud Ahmed
Versus
Ansara Khatun & Ors.

Mr. Saiful Alam
... For the petitioner.

1. Questioning the failure on the part of the learned Civil Judge (Junior Division), 2nd Court, Katwa, to take note of non-compliance of the provisions contained in Order 39 Rule 3(a) and (b) of the Code of Civil Procedure, 1908 (hereinafter referred to as the “Code”), the instant revisional application has been filed.
2. Mr. Alam, learned advocate appearing in support of the aforesaid revisional application would submit that the opposite party/plaintiff after filing of the Title Suit No. 346 of 2022 had moved an injunction application. By the order no.2 dated 14th December, 2022, the learned Court was, *inter alia*, pleased to pass an ex parte ad interim order of injunction with further direction upon the opposite party/plaintiff to comply with the provisions of Order 39 Rule 3(a) and (b) of the Code. According to the petitioner, the opposite party/plaintiff did not comply with such provision and till this date has not served the petitioner with the copies of the documents relied on by the opposite party/plaintiff. Records would reveal

that the petitioner has filed written objection long back and in the said written objection has also raised issue as regards non-compliance of the provisions contained in Order 39 Rule 3(a) of the Code. He would submit that the learned Court is yet to adjudicate the same and the injunction application has also been kept pending.

3. At this stage, Mr. Alam, learned advocate representing the petitioner seeks expeditious disposal of the injunction application.
4. Since, the petitioner has confined the relief for expeditious disposal of the injunction application, the aforesaid application has been taken up for consideration without prior service of notice on the opposite parties.
5. Having heard the learned advocate for the petitioner and further taking note of the fact that the injunction application has been kept pending for more than two years without adjudicating upon the issue as to whether there has been non-compliance with the provisions contained in Order 39 Rule 3(a) of the Code, I am of the view that the learned Civil Judge (Junior Division) 2nd Court, Katwa should expeditiously hear out the aforesaid injunction application by taking note of the objection raised by the petitioner in the written objection, as expeditiously as possible preferably

within a period of three months from the date of communication of this order.

6. The petitioner is directed to serve a copy of the revisional application along with the copy of this order upon the opposite parties.
7. With the above observations and directions the revisional application stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)