

Sl.42
11.07.2025
Court No.6
BP

C.O. 2198 of 2025

Jiban Krishna Singha Roy
-versus-
Sri Naba Kumar Singha Roy & Ors.

Mr. Siva Prasad Ghosh
Mr. Abhishek Shaw
Ms. S. Mukherjee
..for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant no.1 praying for a direction upon the learned Civil Judge (Senior Division), Third Court at Barasat to dispose of the application under Order 39 Rule 4 of the Code of Civil Procedure filed in Title Suit No. 383 of 2022 expeditiously.

Mr. Ghose, learned advocate appearing for the petitioner submits that the application under Order 39 Rule 1 and 2 filed by the plaintiffs/opposite parties and the application under Order 39 Rule 4 of the Code of Civil Procedure filed by the petitioner herein are pending. He submits that a direction be passed upon the learned trial judge to dispose of both the applications expeditiously.

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.

Mr. Ghose, the learned advocate for the petitioner submits that the application for temporary injunction is otherwise ready for hearing as the written objection to such application has been filed by the defendants. He further submits that the application under Order 39 Rule 4 of the Code of Civil Procedure is also ready for hearing.

In the light of the submissions made by Mr. Ghose, learned advocate for the petitioner, C.O. 2198 of 2025 stands disposed of by requesting the learned trial judge to take up the hearing of the application under Order 39 Rule 1 and 2 and the application under Order 39 Rule 4 of the Code of Civil Procedure on the next date fixed, if the same are otherwise ready for hearing, and to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

After disposal of the interlocutory applications the learned trial judge shall proceed with the hearing of the suit and make an endeavour to dispose of the same as expeditiously as possible.

There shall be, however, 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.)