

Court No. 6
(265719)

05.08.2025
(AD 9)
(S. Banerjee)

CO 2742 of 2025

Antara Das
Vs.
Abhijit Das & Ors.

Mr. Supratick Syamal

...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 (Jr. Division), 5th Court at Alipore to dispose of the application under Order 39 Rule 4 of the Civil Procedure Code and the application under Section 151 of the Civil Procedure Code filed on September 20, 2024 in Title Suit No. 1282 of 2024 expeditiously.

Learned advocate appearing for the petitioner submits that taking advantage of the temporary absence of the petitioner in the matrimonial home, the husband/opposite party herein obtained an ad interim order of injunction behind the back of the petitioner and have put a padlock on the door of the suit property in order to restrain the petitioner from entering into the matrimonial home. He further submits that a coordinate bench passed an order on

May 20, 2025 in CO 1645 of 2025 directing the learned trial judge to dispose of the application filed by the petitioner under Section 151 of the Civil Procedure Code and the application under Order 39 Rule 4 of the Civil Procedure Code within a period of eight weeks after giving opportunity of being heard to both sides. Learned advocate appearing for the petitioner submits that in spite of such direction, the learned trial judge has fixed the date of hearing of the petitions after expiry of the period of eight weeks as indicated in the order dated May 20, 2025 in CO 1645 of 2025.

In view of the order sought and proposed to be passed, there is no necessity to direct issuance of any notice upon the opposite parties. However, the learned advocate-on-record of the petitioner shall be obliged to forward a copy of this application along with this order, upon the opposite parties or upon the learned advocate representing them before the learned trial judge.

Taking note of the fact that a coordinate bench by an order dated May 20, 2025 in CO 1645 of 2025 directed the learned trial judge to dispose of the application within a specified time limit, CO 2742 of 2025 stands disposed of by requesting the learned Civil Judge (Jr. Division) 5th Court at Alipore to take

up the hearing of the applications under Section 151 of the Civil Procedure Code dated September 20, 2024 and the application under Order 39 Rule 4 of the Civil Procedure Code on the next date fixed, i.e., on August 20, 2025, if the same are otherwise ready for hearing and make an endeavour to dispose of the same as expeditiously as possible keeping in mind the time limit stipulated in the order dated May 20, 2025 in CO 1645 of 2025.

(Hiranmay Bhattacharyya, J.)