

07.02.2025
63.
Ct.237.
Bd.

C.O. 3790 of 2024

Palash Dey & Ors.

-Vs-

Mrinal Kanti Bandyopadhyay & Ors.

Mr. Koustava Ratan Chatterjee
...for the Petitioners.

Opposite parties herein had filed a suit for declaration and injunction and they have also moved for granting ad-interim injunction before the trial court in Title Suit No. 75 of 2021 and the trial court by its order dated 7th June, 2021 was pleased to refuse to grant ad-interim order of injunction in favour of the plaintiffs/opposite parties herein.

Being aggrieved by that order the defendants/petitioners preferred First Misc. Appeal being no. FMAT 396 of 2021 and the Division Bench of this Court while disposing the said miscellaneous appeal observed on 16th November, 2021 that the trial court shall dispose of the injunction application preferably within a period of three months from the date of communication of the said order and in the meantime the Division Bench also granted injunction restraining the defendants/petitioners herein from alienating the suit property or changing the nature and character of the suit property without the leave of the Court.

The grievance ventilated herein by the petitioners is that said order was passed more than three years back but the injunction application has not yet been disposed of and the next date is fixed on 24th April, 2025 for hearing of the injunction application.

Petitioners herein pray for necessary direction for disposal of the said injunction application in terms of the order passed by this court vide order dated 16th November, 2021.

Having heard learned counsel appearing on behalf of the petitioners, I find that the prayer made by the petitioners is innocuous and if any order is passed in terms of the prayer made therein, neither party will have a cause to prejudice, the service of copy of the application along with notice upon the opposite parties are dispensed with.

Since the prayer made by the petitioners is justified and considering that the court below has not complied the order passed by this court earlier in its letter and spirit, C.O. 3790 of 2024 is hereby disposed of with a direction upon the court below to dispose of the injunction application filed by the defendants/petitioners after giving opportunity to both the parties to contest on the next date of

hearing i.e. on 24th April, 2025 or within a month thereafter.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)