

17.02.2025
56.
Ct.237.
Bd.

C.O. 3793 of 2024
Indian Bank
-Vs-
Joydeb Manna & Anr.

Mr. Shiv Mangal Singh
Ms. Anjali Mishra ...for the Petitioner.

This is an application wherein petitioner has prayed for expeditious disposal of the injunction application as well as the suit being Title Suit No. 12 of 2020 presently pending before learned Civil Judge, Junior Division, 2nd Court at Uluberia.

It is submitted on behalf of the petitioner that plaintiffs along with the plaint also filed an application for ad-interim injunction and learned trial court granted said ad-interim injunction ex-parte on 19th February, 2020 and since then the injunction application has not been disposed of though the defendant/petitioner appeared in the suit and filed written statement as well as written objection before the court below. Accordingly petitioner prayed for a direction upon the Court below for expeditious disposal of said injunction application.

Since the prayer made on behalf of the petitioner is innocuous and if any order is passed in terms of the prayer made in the application, opposite party will have no cause to prejudice, the

service of copy of application along with notice upon the opposite parties are dispensed with.

Having heard learned counsel appearing on behalf of the petitioner and also considering the statutory provision laid down in Order 39 Rule 3(A) which directs that where an injunction has been granted without giving notice to the opposite parties, the court shall make endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted and when they are unable to do so they shall record reasons its inability, I find that the prayer made on behalf of the petitioner is justified in the absence of reasoning in the orders and required to be allowed for the ends of justice.

In such view of the matter, C.O. 3793 of 2024 is hereby disposed of with a direction upon the court below to dispose of the plaintiffs application for injunction on the next date of hearing i.e. on 12th September, 2025 or within a period of two weeks thereafter, after giving opportunity to contest by both the parties. The court below is further directed to make every endeavour for expeditious disposal of the main suit being Title Suit No. 12 of 2020.

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.)