

17.06.2025

Mithun

List –M/L

Sl. No. 99..

Ct. No. 06.

CO 4184 of 2024

Raj Kumar Misra

-Vs.-

Smt. Laxmi Mondal

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya,
Ms. Priyanka Jana

...for the petitioner.

The application under Article 227 of the Constitution of India is at the instance of the plaintiff praying for a direction upon the learned Additional District Judge, 3rd Court at Howrah for disposal of the Miscellaneous Appeal No.60 of 2022 expeditiously.

Ms. Jana, learned Advocate appearing for the petitioner submits that the suit was decreed *ex parte*. The opposite party herein filed a miscellaneous case under Order 9 Rule 13 of the Code of Civil Procedure. In connection with the said miscellaneous case, the opposite party filed an application for injunction and prayed for *ad interim* order of injunction. The learned Trial Judge refused to pass an *ad interim* order of injunction. Challenging such order, the opposite party preferred the Miscellaneous Appeal no.60 of 2022. Ms. Jana, learned Advocate for the petitioner submits that the opposite party herein is trying to delay the hearing

of the miscellaneous appeal. She further submits that the appeal is otherwise ready for hearing and 17th of June, 2025 has been fixed for hearing of the miscellaneous appeal.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite party. 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 party or upon the learned Advocates representing the opposite party before the learned Trial Judge.

In the light of the submissions made by the learned Advocate for the petitioner, C.O.4184 of 2024 stands disposed of by requesting the learned Additional District Judge, 3rd Court at Howrah to take up the hearing of the miscellaneous appeal no.60 of 2022, if the same is otherwise ready for hearing, and to make an endeavour to see that that Miscellaneous Appeal No.60 of 2022 is disposed of as expeditiously as possible but preferably within a period of six months from the next date fixed without granting any unnecessary adjournments to either of the parties.

There shall be 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.)