

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7504 of 2023

Petitioner :- Vinod Kumar

Respondent :- Musafir And 3 Others

Counsel for Petitioner :- Ashwani Kumar Pathak, Arpit Dwivedi

Counsel for Respondent :- Shivendra Nath Singh

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner and Shri Shivendra Nath Singh, learned counsel appearing for the respondents.

2. Though this petition has been filed seeking multiple reliefs, however, the prayer sought to be pressed by the learned counsel for the petitioner is only prayer A, which is as follow:-

"A. Issue an order or direction, directing to the Civil Judge (Senior Division) court no.18, District - Deoria, decide the Temporary Injunction application no.6(C) of the original suit no.12/2023 (Musafir Vs. Jilabiya) and others) pending before the Civil Judge (Senior Division) court no.18, District -Deoria within stipulated period fixed by this Hon'ble Court."

3. It appears that the plaintiff-respondents have filed a suit for injunction in respect of the suit property claiming to be the recorded tenure-holders of the plot in dispute. By an order dated 13.01.2023, an ad-interim temporary injunction was granted by the trial court after noticing that no names, other than the names of the plaintiffs, appeared in the Khasra and Khatauni.

4. Learned counsel for the petitioner states that concealing material facts, the suit and the application for temporary injunction were filed as a result of which the defendants have been put to severe hardship and loss. Learned counsel for the petitioner states that an application dated 16.05.2023 was also filed before the trial court seeking to expedite the hearing of the application 43C filed for

vacating ad-interim temporary injunction granted by the trial court.

5. Given the facts and circumstances of the case and since the substantive rights of the parties may be affected due to ad-interim injunction granted by the trial court, this petition, without entering into the merits of the case, is **disposed of** by requiring the trial court to proceed to adjudicate the application 6C filed for temporary injunction expeditiously and preferably within a period of three months from the date of filing of a certified copy of this order passed today before it, provided there is no legal impediment.

Order Date :- 13.10.2023

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(Jayant Banerji, J.)