

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7229 of 2023

Petitioner :- Mohd Usman (Since Deceased) And 6 Others

Respondent :- Mohd Hanif

Counsel for Petitioner :- Arvind Srivastava

Hon'ble Jayant Banerji, J.

Heard Sri Bhavesh Singh Jadaun (Advocate Roll No. A/B0011/2022), holding brief of Sri Arvind Srivastava, learned counsel appearing for the defendants-petitioners.

This petition has been filed seeking the following relief:

"(i) direct the Civil Judge (S.D.)/FTC Moradabad to hear and decide the proceedings of O.S. No. 395 of 2019: Mohd. Hanif Versus Usman and others, expeditiously within the time so fixed by the Hon'ble Court."

It appears that the plaintiff-respondent had filed Original Suit No. 691 of 2018 in the court of Civil Judge (J.D.), Moradabad seeking a decree of permanent injunction. It appears that the written statement was filed, in which a counter claim was set up and response to the counter claim has also been filed. Thereafter, issues have been framed on 16.12.2021.

A perusal of the order sheet reveals that an application bearing Paper No. 38A, 44-C and 46-C are pending in the matter. Counsel for the petitioners states that paper No. 44C has been filed by the plaintiff seeking amendment in the plaint.

Under the circumstances, the relief as sought for, cannot be granted. However, it is expected that the trial court would proceed with the matter without granting any unnecessary adjournment to either of the parties provided there is no legal impediment.

This petition is **disposed of**.

Order Date :- 31.10.2023

sfa/

(Jayant Banerji, J)