

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7003 of 2023

Petitioner :- Dharmendra Maurya

Respondent :- Mithai Lal And 5 Others

Counsel for Petitioner :- R S Dubey, Savita Dubey

Hon'ble Jayant Banerji, J.

Heard learned counsel for the petitioner.

This petition has been filed seeking the following relief:

"i) To direct the police authority of concerned police station for compliance the order dated 11-04-2023 passed by Civil judge (S.D.), Gorakhpur in Original Suit No. 302 of 2023 (Dharmendra Maurya Vs. Mithai Lal and others) U/s 37 or 38 of Special Relief Act, and further directed the learned Trial Court to decide the paper no. 17Ga dated 21-04-2023 move by petitioner in above mentioned original Suit, pending before the learned Civil Judge (S.D.) Gorakhpur, within stipulated period."

It appears that a suit for injunction was filed by the petitioner seeking a decree of permanent injunction. It is the contention of the learned counsel for the petitioner that an ex-parte order of temporary injunction was granted by the trial court on 11.4.2023 but the defendants are not complying with the same and therefore, an application dated 21.4.2023 was filed under Section 151 of the CPC seeking direction to the SHO of the police station for getting the order executed.

In case, the petitioner is aggrieved by the non-compliance of the order of the trial court, the appropriate alternative remedy is under Order 39 Rule 2A of the CPC.

Accordingly, no interference is called for in this petition and this petition is **dismissed**.

Order Date :- 12.10.2023

A. V. Singh

(Jayant Banerji, J.)