

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 6891 of 2023

Petitioner :- Harish Kumar

Respondent :- Ram Prasad And Another

Counsel for Petitioner :- Syed Badshah Husain Naqvi

Hon'ble Jayant Banerji, J.

Heard learned counsel for the petitioner.

This petition has been filed seeking a direction to decide the temporary injunction application Paper No. 6C in Original Suit No. 381 of 2023 (Harish Kumar Vs. Ram Prasad and another).

Learned counsel for the petitioner restricts the present petition only to the aforesaid prayer.

It appears that the original suit was filed by the plaintiff-petitioner seeking permanent injunction with regard to the suit property. As per the order-sheet that has been enclosed with the second supplementary affidavit, the suit was instituted on 17.5.2023 and on that day notices were issued on the application for temporary injunction. The last order reflected in the order-sheet is 21.7.2023 which states that the return of summons are awaited.

Learned counsel for the petitioner states that the petitioner-plaintiff has filed application before the District Judge to transfer the case to another judge. A transfer application being filed by post is a novel method being adopted by the plaintiff which is not comprehended under the CPC. The Court deprecates this practice. There is no cause for interference in the matter inasmuch as the return of summons is awaited, and, at the initial stage itself, the court has found that it is not a fit case to grant an ex-parte order.

This petition is, therefore, **dismissed**.

Order Date :- 12.10.2023

A. V. Singh

(Jayant Banerji, J.)