

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7144 of 2023

Petitioner :- Aas Mohammad

Respondent :- Sri Julfikar And Another

Counsel for Petitioner :- Amod Tripathi

Counsel for Respondent :- Mukesh Chandra Gupta, Shubham Prakash Gupta

Hon'ble Jayant Banerji, J.

1. Though the matter is listed peremptorily today, but none appears on behalf of the petitioner.

2. When the matter was listed on 31.10.2023, the following order was passed:

"This petition has been filed on 4.7.2023 challenging an order dated 30.5.2023, passed on application 6C-2 in O.S. No. 1502 of 2022 (Julfikar Vs. Aflatoon) by the court of Additional Civil Judge (S.D.), Court No. 7, Meerut, whereby the aforesaid application filed under Order 39 Rule 1 and 2 CPC has been allowed.

The aforesaid impugned order is evidently an appealable order. Moreover, counsel for the respondent no.1 states that despite filing a vakalatnama on 14.7.2023, copy of the petition has not been served on him.

Be that as it may, since a mention has been made on behalf of learned counsel for the petitioner for adjournment on the ground that the learned counsel for the petitioner is suffering from dengue, list this matter in the week commencing 20.11.2023 peremptorily."

3. This petition has been filed seeking the following relief:

"To set-aside the order dated 30.5.2023 passed by the Additional Civil Judge (S.D.) Court No.-7, Meerut in Case No.1502 of 2022 Julfikar Versus Aflatoon on the 6C2 Application and restrain the concern respondent no.-1 not to construct the house over the land in dispute during pendency of the Original suit."

4. The impugned order is an order passed by the Additional Civil Judge (S.D.), Court No.7, Meerut on an application for temporary injunction.

5. The order impugned is an appealable order, this petition is, therefore, dismissed on the ground of alternative remedy.

Order Date :- 20.11.2023

SFH

(Jayant Banerji, J.)