

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7356 of 2023

Petitioner :- Sudama And Another

Respondent :- Santosh Kumar

Counsel for Petitioner :- Ram Sewak, Anil Kumar Misra

Hon'ble Jayant Banerji, J.

Heard Sri Ram Sewak, learned counsel for the petitioners.

This petition has been filed seeking the following relief:

"(i) Issue a order or direction directing the learned Civil Judge (J.D.), City Jaunpur to decide the 6C in suit No. 2159 of 2022 of the petitioner/defendant stipulate period (Santosh Kumar and other Vs. Sudama and other)."

It appears that the plaintiff-respondent instituted a suit for injunction with regard to Plot No. 83-M, 306, 1/2 situated in village Jagdishpur Akbarpur, Pargana Haweli Tehsil Sadar, District Jaunpur which has been renumbered after Chakbandi as plot no. 159 area 0.3170 hectare. The case of the defendant-petitioners is that the boundary of Plot No. 159 is common with the boundary of the petitioners' plot no. 164 and since the plaintiff-respondent was forcibly trying to occupy portion of plot no. 164 that belongs to the petitioners, the petitioner had instituted proceedings under Section 24 of the U.P. Revenue Code, 2006 for demarcation of their plot. It is alleged that that prompted the plaintiff-respondent to institute the aforesaid suit, in which on an application 6C filed by the plaintiff-respondent, an ad-interim injunction was granted by order dated 22.12.2022 by the trial court which is being extended from time to time. It is alleged that under threat of contempt, the plaintiff continues to harass the petitioners inasmuch as the order dated 22.12.2022 is being extended from time to time by the trial court.

It is further orally stated by the learned counsel for the petitioners at the bar on instructions received that the proceedings under Section 24 of the Revenue Code, 2006 has been completed and decided by means of order passed on 3.10.2023. It is stated by the counsel for the petitioners that the petitioners shall file the aforesaid order in the trial court on the next date fixed.

Under the circumstances, this petition is **disposed of** with direction

to the trial court to endeavour to decide the application 6C filed by the plaintiff seeking temporary injunction, expeditiously and preferably within a period of three months from the date of filing a certified copy of this order before the court provided there is no legal impediment.

Order Date :- 31.10.2023

sfa/

(Jayant Banerji, J)