

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7360 of 2023

Petitioner :- Mahboob Alam

Respondent :- Waseeullah Siddiqui

Counsel for Petitioner :- Arun Kumar Yadav

Hon'ble Jayant Banerji, J.

Heard Sri Anand Singh holding brief of Sri Arun Kumar Yadav, learned counsel for the petitioner.

This petition has been filed seeking the following relief:

"i. Direct the court of Civil Judge (J.D.)/J.M., Dumariyaganj, Siddharth Nagar to decide the application for interim injunction registered as 7Ga2 supported by the affidavit registered as 8Ga2 expeditiously within the period stipulated by this Hon'ble Court in O.S. No. 230/2023 (Mahboob Alam Vs. Waseeullah Siddiqui).

ii. Direct the parties of the suit to maintain status-quo on the spot till the disposal of the application 7Ga2 of the plaintiff-petitioner."

It appears from the record of this petition that Original Suit No. 230 of 2023 was filed in the court of Civil Judge (Junior Division), Dumariyaganj, District Siddharth Nagar by the petitioner seeking a decree of permanent injunction. It is stated by the learned counsel that by an order dated 31.5.2023 on the application for temporary injunction 7Ga2, notices were directed to be issued by the trial court, but the application is yet to be decided. Learned counsel has referred to several photographs that have been enclosed with the petition in an attempt to demonstrate that despite filing of the suit, the defendant is continuing with the illegal constructions over the property of the plaintiff-petitioner without proper demarcation.

In view of the facts and circumstances of the case as evinced from this petition, the trial court is expected to proceed to decide the application 7Ga2 filed by the plaintiff-petitioner for temporary injunction without granting any unnecessary adjournment to either of the parties provided the defendant is duly served and there is no other legal impediments.

This petition is, accordingly, **disposed of**.

Order Date :- 7.11.2023

sfa/

(Jayant Banerji, J)

