

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7730 of 2023

Petitioner :- Ram Surat Nishad

Respondent :- Ram Murat Nishad

Counsel for Petitioner :- Sheo Ram Singh, Raj Kumar Yadav

Hon'ble Jayant Banerji, J.

Amendment Application No. 2 of 2023

This application has been filed seeking to amend number of application as 6C in place of 7C mentioned in prayer no.1 and in paragraph no. 6 of the petition. The aforesaid application is supported by an affidavit of the maternal brother of the petitioner.

The application is allowed.

Learned counsel for the petitioner is permitted to make correction during the course of the day.

Order on petition.

A perusal of the extract of certified copy of the order sheet that has been filed alongwith the supplementary affidavit reveals that the defendant-petitioner had filed a caveat and, therefore on 10.1.2022 the case was adjourned for informing the learned counsel for the caveator. The other certified copy of the order sheet of 2.9.2023 reflects that the next date fixed in the matter was 29.9.2023. Therefore, it does not appear from the extract of the certified copy of the order sheet that any ad-interim temporary injunction order has been passed by the trial court. The application 6C is of the plaintiff-respondent and not of the defendant-petitioner. Therefore, the prayer to decide application 6-C, pending in Original Suit No. 43 of 2022 (Ram Murat V. Ram Surat) pending in the court of Civil Judge (Junior Division), Jaunpur, cannot be acceded to.

Under the circumstances, interference in the matter is declined and this petition is **dismissed**.

Order Date :- 16.10.2023

sfa/

(Jayant Banerji, J