

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7693 of 2023

Petitioner :- Santosh Kumar And 2 Others

Respondent :- Dukhraj And 10 Others

Counsel for Petitioner :- Vikas Srivastava

Hon'ble Jayant Banerji,J.

1. Heard learned counsel for the petitioners.

2. This petition has been filed seeking the following relief:-

"i) Issue an order or direction directing the learned Civil Judge (J.D.), Bhadohi at Gyanpur to decide the Original Suit No.541 of 2000 (Dukhraj Vs. Rajpati and others) filed for permanent prohibitory injunction suit and demolition of house if found over Arazi No.1266-Ka area 0.852 hectare i.e. 3 bigha 7 biswa 7 dhoor situate at Bara Gaon, Tappa Korh, Tehsil Gyanpur, District Bhadohi, expeditiously as is fixed by this Hon'ble Court, in accordance with law, for the ends of justice."

3. It is stated that a suit was filed by the plaintiff-respondents seeking a relief of permanent injunction with regard to the suit property and for demolition of the constructions existing thereon. It is stated by the learned counsel for the petitioners that issues were framed on 20.12.2012 but thereafter on two separate occasions, the plaint has been amended by the plaintiffs and the case is being adjourned by the trial court for affording opportunity to the legal representatives of the respondent no.6 to file additional written statement. It is contended that the property in dispute is ancestral and the plaintiff-respondents are enjoying the fruits of the property and the defendant-petitioners are being deprived of their share.

4. Given the fact and circumstances of the case, the trial court is expected to proceed with the case without granting any

unnecessary adjournments to either of the parties, provided there is no legal impediment.

5. The petition is, accordingly, **disposed of**.

Order Date :- 13.10.2023

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(Jayant Banerji, J.)