

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12135 of 2023

Petitioner :- Tilakdhari

Respondent :- Dharmdei

Counsel for Petitioner :- Deepak Kashinath Dubey

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Deepak Kashinath Dubey, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Junior Division), Jaunpur, to decide the interim injunction application (Paper no.6-C) under Order 39 Rule 1 filed in Original Suit No.1312 of 2021 within the stipulated period of time.
4. Learned Counsel for the petitioner submits that the petitioner is a senior citizen and is aged about 67 years and has instituted the Suit for cancellation of the sale-deed. The defendant has already put in appearance and filed written statement.
5. Learned Counsel for the petitioner has invited the attention of this Court to the order-sheet of the proceedings to demonstrate that the defendant has put in appearance and filed written statement. However, despite various date having been fixed, the interim injunction application is not being taken up for its consideration by the court concerned.
6. I have heard learned Counsel for the petitioner and perused the record.
7. From the order-sheet filed on record, it is apparent that the respondent-defendant has put in appearance in the proceedings and has filed written statement and various dates are being fixed for consideration of interim injunction application. However, no order has been passed as yet.
8. Under such circumstances, this Court deem it appropriate to

dispose of the petition by requiring Civil Judge (Junior Division), Jaunpur, seized with interim injunction application (paper no.6-C) under Order 39 Rule 1 filed in Original Suit No.1312 of 2021 (Tilakdhari Vs. Dharmdei) to pass an appropriate order thereon on the next date fixed or within 2 months from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 29.11.2023

Irshad