

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 8070 of 2023

Petitioner :- Subhash Chandra Pandey

Respondent :- Suresh Kumar Pandey And 8 Others

Counsel for Petitioner :- Om Narain Tripathi, Abhinav Gaur, Sr. Advocate, Vibhu Rai

Hon'ble Jayant Banerji, J.

1. Heard Shri Abhinav Gaur, learned counsel for the petitioner.
2. Though several reliefs have been sought in this petition, however, the learned counsel for the petitioner restricts this petition to press prayer no.1 made in this petition, which is as follows:-

"I. Issue an appropriate order or direction directing/commanding the Court of Civil Judge (Junior Division), Allahabad to decide the Interim Injunction Application [Paper No.6C] filed alongwith affidavit being [Paper No.7C] in Original Suit No.930 of 2022 (Subhash Chandra Pandey versus Suresh Chandra Pandey and Others) expeditiously preferably on the next date date fixed."

3. It appears that a suit was filed seeking declaration of a gift-deed dated 14.07.2022 as void and ineffective and also seeking declaration of voidance of an unregistered Will-deed dated 03.05.2019 as well as for permanent injunction with regard to the suit property.
4. It is contended by the learned counsel for the petitioner that an application under Order 39 Rule 1 read with Section 151 CPC dated 03.11.2021 was filed by the petitioner, which is still pending. Learned counsel has drawn attention of the Court to the certified copy of the order-sheet that is enclosed with the petition and in the order of 23.07.2023, the trial court has recorded sufficiency of notice to the defendants.

5. Under the circumstances, this Court has no reason to doubt that the trial court would proceed to consider the application 6-C in accordance with law and without granting any unnecessary adjournments to either of the parties and provided there is no legal impediment.

6. With the aforesaid observation, the petition is **disposed of**.

Order Date :- 28.10.2023

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(Jayant Banerji, J.)