

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 8556 of 2023

Petitioner :- Dinesh Kumar

Respondent :- Jaswant Singh And 4 Others

Counsel for Petitioner :- Rahul Saxena

Hon'ble Jayant Banerji,J.

1. Heard Shri Sudhakar Yadav, Advocate Roll- A/S 1401/12, holding brief of Shri Rahul Saxena, learned counsel for the petitioner.

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

"(i) to direct the Civil Judge (Senior Division)/Fast Track Court, Pilibhit to decide 6C application filed along with Original Suit No. 304 of 2012, expeditiously and within the stipulated period;

(ii) to direct the parties to maintain the status-quo over the property in question, till the disposal of 6C application;

(iii) issue any other suitable, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case;"

3. It appears that an Original Suit No. 304 of 2012 was filed by the plaintiff-respondent and another person seeking a decree of permanent injunction with regard to the suit property which appears to be an agricultural land. It is contended by the learned counsel for the petitioner that an ad-interim temporary injunction was granted by the trial court by means of the order dated 8.4.2013 which is being extended from time to time. It is stated that written statement on behalf of the defendant no. 2 was also filed on 9.5.2015, but the temporary injunction is being extended by trial court from time to time without the application for temporary injunction itself being decided. It is contended that no issues have been framed yet.

4. Under the facts and circumstances of the case and given the fact that the suit is pending since the year 2012, the trial court is directed to decide the application 6C and also to proceed to frame issues in the matter in case the defendants are duly served with the summons and there is no legal impediment. The aforesaid be done

without granting any unnecessary adjournment to either of the party. The application for temporary injunction 6C shall be endeavoured to be decided within a period of three months from the date of filing of a certified copy of this order passed today before the trial court.

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

Order Date :- 27.10.2023

A. V. Singh

(Jayant Banerji, J.)