

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 8873 of 2023

Petitioner :- Vansh Mishra

Respondent :- Virendra Kumar Mishra And Another

Counsel for Petitioner :- Dheeraj Kumar Singh

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"a. Direct Additional Civil Judge (J.D.), court no. 15, Allahabad to decide O.S. No. 464/2021 (Virendra Kumar Mishra and another Vs. Smt. Savita Devi and another) at the earliest within time frame to be stipulated by this Hon'ble Court in accordance with law."

3. It appears that the Original Suit No. 464 of 2021 was filed by the plaintiff-respondent arraying the petitioner as the defendant no. 2 with the defendant no. 1 being Smt. Savita Devi. In the aforesaid suit, a decree of permanent injunction was sought with regard to the suit property which is a building. A perusal of the order-sheet reflects that the suit was filed on 13.7.2021 and an ex-parte ad-interim injunction was granted on 14.7.2021 which, as contended by the learned counsel for the petitioner is being extended from date to date.

4. It is stated that written statement was filed on 31.3.2023 but till date the issues have not been framed. It is further contended that application 6C has also been fixed for hearing.

5. Under the facts and circumstances and without expressing any opinion on merits of the case, this petition is **disposed of** with a direction to the trial court to endeavour to frame issues expeditiously as the written statement apparently has been filed on 31.3.2023. It is further expected that the application 6C would also be duly considered, provided there is no legal impediment.

Order Date :- 23.11.2023

A. V. Singh

(Jayant Banerji, J.)