Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 8876 of 2023

Petitioner :- Smt. Pushpa Devi And Another
Respondent :- Subhash Chandra
Counsel for Petitioner :- Dharmendra Kumar

Hon'ble Jayant Banerji,J.

1. Heard learned counsel for the petitioner.

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

"I. Issue a direction to the learned court to decide the Misc. Civil Appeal No. 12 of 2017 (Subhash Chandra Vs. Pushpa Devi and another) pending in the court of Additional Session Judge, Court No. 6, Kushinagar at Padrauna within the period specified by this Hon'ble Court, in the interest of justice."

3. It appears that the plaintiff-respondent filed a suit for cancellation of a sale deed dated 17.3.1990 as well as for permanent injunction. It appears on perusal of page 27 of the petition that an order dated 26.7.2017 was passed by the trial court rejecting the application 7C filed under Order 39 Rule 1 CPC seeking temporary injunction. The appeal that was filed by the plaintiff-respondent is stated to be pending since the year 2017.

4. The contention is that in view of the pendency of the Misc. Civil Appeal No. 12 of 2017, the proceedings in the suit are held up.

5. Accordingly and without expressing any opinion on merits of the case of the petitioner, this petition is **disposed of** with a request to the appellate court to endeavour to decide the Misc. Civil Appeal No. 12 of 2017, that is, at present pending in the court of the Additional Sessions Judge, Court No. 6, Kushinagar at Padrauna (Subhash Chandra Vs. Pushpa Devi and another), expeditiously, provided there is no legal impediment.

Order Date :- 23.11.2023
A. V. Singh

(Jayant Banerji, J.)

Digitally signed by :-
AJAY VIKRAM SINGH
High Court of Judicature at Allahabad