

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9050 of 2023

Petitioner :- Kumarpal Singh

Respondent :- Devendra And 8 Others

Counsel for Petitioner :- Paritosh Sukla,Prakhar Shukla

Hon'ble Jayant Banerji,J.

1. Though initially a request for adjournment has been made on behalf of the learned counsel for the petitioner as he is suffering from fever, however, the name of another counsel, Shri Prakhar Shukla, is also shown in the cause list. Since Shri Prakhar Shukla, Advocate, is also counsel for the petitioner and who is not present, the request for adjournment is declined.

2. Heard Shri Dinesh Kumar (AOR No.A/D 0373/2012) holding brief of Shri Prakhar Shukla, Advocate appearing for the petitioner.

3. This petition has been filed seeking the following relief:-

"To decide the application/representation dated 07.04.2023 filed by petitioner in original suit no. 114 of 2021 (Kumarpal Singh v/s Balbir and others) under Order 39 Rule 2(A) C.P.C. read with Section 151 of C.P.C., otherwise the petitioner shall suffer irreparable loss and injury."

4. It appears that the petitioner filed a suit seeking relief of permanent injunction for restraining the defendants from interfering in the suit property. It further appears that on the application for temporary injunction, an ad-interim order dated 04.12.2021 was passed directing the parties to maintain status quo. It is stated that despite the order, since the defendants had not complied with the same, an application under Order 39 Rule 2(A) read with Section 151 CPC was filed before the trial court which is not being decided.

5. The case of the petitioner calls for no interference, inasmuch as the application for temporary injunction, as is evinced from

perusal of a photocopy of the order dated 04.12.2021, is yet to be decided. Moreover, it is for the trial court to take a decision on the application under Order 39 Rule 2(A) of the CPC in due course.

6. This petition is, accordingly, **dismissed**.

Order Date :- 21.11.2023

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(Jayant Banerji, J.)