

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9058 of 2023

Petitioner :- Arya Samaj Shahar

Respondent :- Union Bank Of India Arya Samaj

Counsel for Petitioner :- Ram Chandra Kushwaha

Counsel for Respondent :- Ashish Agrawal

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner and Shri Brijesh Kumar Singh, learned counsel appearing for the respondent-bank.

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

"I. Issue a order or direction, directing/commanding to the Additional Civil Judge (J.D.) Court No. 7 Muzaffar Nagar to decide the 6-C Application (interim injunction application) of the petitioner under order 39 Rule 1 & 2 and section 151 C.P.C. in civil suit No. 211 of 2022 (Arya Samaj Shahar Vs. Union Bank of India) within stipulated period."

3. It appears that the petitioner filed the aforesaid suit through its Pradhan seeking a decree of mandatory injunction for changing the name of the newly elected Pradhan and Koshadhyaksh in Account no. 517902010153474 being maintained in the respondent-bank and for damages. Alongwith the aforesaid plaint, an application for temporary injunction was filed for enabling them to operate the account after submission of indemnity bond. Written statement of the defendant is on record, from perusal of which, it appears that renewal of the registration of the Society was done for a period of five years on 10.10.2015, and, thereafter, the renewal of the registration of the society is pending.

4. The petitioner has not been able to demonstrate that whether without renewal of the registration of the society, the performance of the contract between the plaintiff and the defendant can be specifically enforced.

5. Under the circumstances, given the provisions of Order 39 Rule 2 (Uttar Pradesh Amendment), it appears that temporary injunction cannot be granted. This petition, therefore, requires no interference and is, accordingly, **dismissed**.

Order Date :- 21.11.2023

A. V. Singh

(Jayant Banerji, J.)