

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9046 of 2023

Petitioner :- Sangeeta

Respondent :- Sanjay

Counsel for Petitioner :- Ganesh Kumar

Hon'ble Jayant Banerji,J.

1. Heard learned counsel for the petitioner.
2. It appears that the mother of the petitioner instituted a suit bearing Original Suit No.754 of 2021 seeking relief of cancellation of a Will-deed dated 12.07.2012 as well as for permanent injunction. It is stated in paragraph 17 of the petition that the mother of the petitioner died on 14.03.2023 whereafter the petitioner filed a substitution application which was allowed by the court. It is stated that an application for temporary injunction is pending, which is not being decided.
3. A perusal of the order-sheet, that is enclosed as Annexure-7 to this petition, reflects that the suit was presented before the trial court on 22.07.2021. The parties have appeared before the court. Alongwith the plaint, an application for temporary injunction dated 20.07.2021 was also filed which is stated to be pending and for the decision of which application, this petition has been filed.
4. In the facts and circumstances of the case, if the defendants are duly represented, it is for the petitioner to move an application before the trial court seeking expeditious consideration of the application for temporary injunction 6-C dated 20.07.2021 that is stated to be filed in Original Suit No.754 of 2021 (Gyanmati Vs. Sanjay) in the court of the Civil Judge (Junior Division), Basti. If such an application is filed,

the application for expeditious consideration of the 6C application would be considered by the trial court expeditiously.

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

Order Date :- 21.11.2023

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(Jayant Banerji, J.)