

**Court No. - 4**

**Case :-** WRIT - C No. - 57356 of 2014

**Petitioner :-** Tabarak Hussain Mangal Prasad

**Respondent :-** Smt. Humayara Khatoon And Another

**Counsel for Petitioner :-** H.P. Mishra

**Counsel for Respondent :-** Parvez Alam, N.K. Chaturvedi, Naseem Ahmad

**Hon'ble Prakash Padia, J.**

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present petition has been filed with the following prayers:-

*"i) issue a writ, order or direction in the nature of certiorari quashing the impugned judgment and order dated 23/08/2014 passed by Appellate Court (Annexure No. 5 to the writ petition).*

*ii) issue a writ, order or direction in the nature of mandamus commanding the respondents not to interfere in the peaceful possession of petitioner and maintain status quo till the disposal of Suit No. 216 of 2012 (Tabarak Hussain Vs. Humayara Khatoon and another)."*

3. Facts of the present case are in brief that a suit being Suit No.216 of 2012 in respect of House No.1041 situated in Mohalla Humayupur Uttari, City Gorakhpur has been filed by the plaintiff- petitioner on 17.3.2012, in which an interim protection was granted in his favour on 30.1.2013 directed to the parties to maintain status quo. Aggrieved against the order dated 30.1.2013, the defendant- respondents have preferred an appeal being Appeal No. 04 of 2013 filed on 23.2.2013. The appellate court vide order dated 23.8.2014 has allowed the appeal and set aside the interim protection granted in favour of the plaintiff- petitioner.

4. It is argued by learned counsel for the plaintiff- petitioner that aggrieved against the order dated 23.8.2014 passed by the Appellate Court, the petitioner has preferred the present petition, in which an interim protection was granted by this Court on 31.10.2014.

5. After some arguments, it is very fairly argued by Sri H.P. Mishra, learned counsel for the plaintiff- petitioner that the suit being Suit No.216 of 2012 filed by the plaintiff- petitioner is pending till date. Hence, a prayer has been made at the Bar to direct the court below to decide the aforesaid suit expeditiously.

6. The aforesaid prayer has not been opposed by learned counsel for the respondent.

7. Considering the submissions raised by learned counsel for the parties and

without interfering the order passed by the Appellate Court, the present petition is disposed of finally directing the court below before whom the aforesaid suit being Suit No. 216 of 2012 (Tabarak Hussain Vs. Humayara Khatoon and another) is pending to decide the same most expeditiously and positively within a period of four months from the date of presentation of certified copy of this order.

8. It is made clear that the status quo shall be maintained as on date till the disposal of the suit.

9. Registrar (Compliance) is directed to forward a copy of this order to the concerned Presiding Officer through District Judge, Gorakhpur, within a period of ten days.

**Order Date :- 19.10.2023**

S.K.