

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9723 of 2023

Petitioner :- Nagina Yadav And Another

Respondent :- Bhole Nath @ Bhole And 4 Others

Counsel for Petitioner :- Muktesh Kumar Singh

Hon'ble Jayant Banerji, J.

Heard learned counsel for the petitioners.

This petition has been filed for a direction to the Civil Judge (Junior Division), City, Jaunpur to decide the application dated 26.7.2003 (paper no. 4C), under Order 39 Rule 2A of the Code of Civil Procedure that is stated to have been registered as Misc. Case No. 180 of 2003 pending in Original Suit No. 403 of 2003 (Nagina Yadav and another Vs. Bhole Nath and others).

It is contended by the learned counsel for the petitioners that an order of injunction was passed by the trial court on 18.4.2003 and alleging its violation, an application under Order 39 Rule 2A CPC was filed which is stated to be numbered as paper No. 4C. It is stated that the application is not being decided.

This Court in exercise of its jurisdiction under Article 227 of the Constitution of India is not inclined to pass any positive order directing the court to take a decision on the application under Order 39 Rule 2A CPC.

Since, the suit is stated to be pending since the year 2003, it is left open for the petitioners to move an application before the trial court concerned for expeditious consideration of the suit. If such an application is filed, the court shall consider the same.

This petition is, accordingly, **disposed of**.

Order Date :- 7.12.2023

sfa/

(Jayant Banerji, J)