

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9661 of 2023

Petitioner :- Mohammad Shahid And Another

Respondent :- Mohammad Ali And 4 Others

Counsel for Petitioner :- Girish Kumar Gupta

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioners.

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

"(i) Issue a writ, order or direction in an appropriate nature directing the Subordinate trial Court to decide the Original Suit No.256 of 2021 (Mohammad Ali and others Vs. Mohammad Shahid and another) pending in the Court of the learned Civil Judge (Senior Division), Varanasi finally on day to day basis within stipulated period of time to be fixed by this Hon'ble Court."

3. It appears that the plaintiff-respondent filed a suit seeking a decree of permanent injunction for restraining the defendants from evicting the plaintiffs from certain shops situated in House No.D-50/207 at Mohalla Kazipura Kalan, Nai Sadak, City Varanasi. A written statement was filed in the year 2021 and it is stated by the learned counsel for the petitioners that an ad-interim temporary injunction was granted in favour of the defendant-respondent. An extract of the order-sheet is enclosed at page 61 from which it is difficult to know the stage of the suit.

4. Under the circumstances, no direction as sought for can be issued as it is still early stages in the suit.

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

7. The Registrar (Compliance) is directed to send a copy of this order to the concerned court within fifteen days, for information.

Order Date :- 5.12.2023

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(Jayant Banerji, J.)