

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9647 of 2023

Petitioner :- Komal Singh

Respondent :- Parvesh Kumar Patel And Another

Counsel for Petitioner :- Brij Raj

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"(I) To issue a direction for expeditiously decide to application under order XXXIX Rule-2 CPC (6C) dated 29.03.2022 in Original Suit No.420 of 2022, (Komal Singh Vs Pravesh Kumar Patel and other) [Annexure no.-1], pending before Civil Judge (Senior Division), Varanasi, in accordance with law, as expeditiously as possible and preferably within very short period."

3. It appears that the petitioner filed Original Suit No.420 of 2022 in the court of the Civil Judge (Senior Division), Varanasi seeking a decree of permanent injunction with regard to half part of several minjumla and others plots stated to be situated at Mauja Bheeti, Pargana-Ram Nagar, Tehsil-Sadar, District Varanasi in respect of an area of 1719.21 sq. mts. For about 6 separate minjumla and other plots, the boundaries shown at the foot of the plaint, are the same.

4. A perusal of the order dated 29.03.2022 passed by the trial court reflects that the plaintiff and the defendants are the co-tenure holders of the suit property. Under the circumstances, interference in this petition is declined.

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

6. 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

SK

(Jayant Banerji, J.)