

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9725 of 2023

Petitioner :- Smt. Dharmavati Devi

Respondent :- Upendra And 7 Others

Counsel for Petitioner :- R.B.Pal,Umesh Kumar Pal

Hon'ble Jayant Banerji,J.

Heard Sri Umesh Kumar Pal, learned counsel for the petitioner.

This petition has been filed seeking the following relief:

"(a) Direct the court below to decide the 6-C application of the petitioner under order 39 Rule 1 C.P.C. (Smt. Dharmavati Devi Vs. Upendra and others) pending before Civil Judge (Junior Division), Court No.10, Deoria within stipulated period of time."

It appears that the petitioner filed a suit in the court of Civil Judge (Junior Division), Court No.10, Deoria, which was numbered as Original Suit No. 812 of 2023 (Smt. Dharmavati Devi Vs. Upendra and others) on 31.3.2023, seeking a relief of permanent injunction in respect of a part of an agricultural plot marked A,B,C,D in the plaint map. It is stated that an application 6-C dated 31.3.2023 is pending which is not being decided.

A perusal of the order of the trial court dated 31.3.2023 reflects that notice has been directed to be issued to the caveator-defendant. Thereafter, it seems that the case is being adjourned.

Under the circumstances, it is directed that in case the defendants are duly served with the notice of the summons and have been afforded adequate opportunity, the trial court may proceed to consider the application 6-C without granting unnecessary adjournment to either of the parties, provided there is no legal impediment.

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

Order Date :- 7.12.2023

sfa/

(Jayant Banerji, J)