

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11950 of 2023

Petitioner :- Narain Verma

Respondent :- Firoz Samiti Cooperative Housing Society And 3 Others

Counsel for Petitioner :- Sunil Srivastava

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Narain Verma, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed with the limited prayer to direct Civil Judge (Junior Division), Kanpur Nagar, to consider and decide the interim injunction application (paper no.6-C) filed in Original Suit No. 1495 of 2022 (Narain Verma Vs. Firoz Samiti Cooperative Housing Society and others) within the stipulated time frame fixed by this Court.
4. Learned Counsel for the petitioner submits that the Suit is for cancellation of the sale-deed and for permanent injunction. The interim injunction was filed to restrain the defendants from interfering in the possession of the plaintiff and not to dispossess him from his settled possession.
5. Being of the view that the interim injunction cannot be granted without hearing the defendants, the trial court issued notice on the said application. Thereafter various dates have been fixed for consideration of application (paper no.6-C) but the same was adjourned on account of non appearance of the defendants.
6. Learned Counsel for the petitioner submits that the steps were taken by the petitioner to serve the defendants by publication and by order dated 16.5.2023, the service upon the defendants by publication has been held to be sufficient and despite the said fact, the interim injunction application is not being disposed of and there is a threat looming over the head of the petitioner for dispossession.
7. In the aforesaid circumstances, it has been prayed that necessary

directions be issued for expeditious consideration of application (paper no.6-C).

8. Having heard learned Counsel for the petitioners and having perused the record, this Court is of the opinion that the petition can be disposed off directing the expeditious disposal of the interim injunction application (paper no.6-C).

9. Accordingly, the petitioner is ***disposed off*** by requiring Civil Judge (Junior Division), Kanpur Nagar, seized with the interim injunction application (paper no.6-C) filed in Original Suit No.1495 of 2022 (Narain Verma Vs. Firoz Samiti Cooperative Housing Society and others) to take up the said application and pass appropriate orders within a period of one month from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 2.12.2023

Irshad