

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9787 of 2023

Petitioner :- Parmeshwar Shah

Respondent :- Ram Karan Nishad

Counsel for Petitioner :- Rajeev Kumar Singh

Hon'ble Jayant Banerji, J.

1. Heard Shri Vinay Kumar Singh, Advocate Roll- A/V0298/2012, holding brief of Shri Rajeev Kumar Singh, learned counsel for the petitioner.

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

"I. Issue an order or direction the Court of Civil Judge, Junior Division, Gorakhpur to decide the injunction application under Order-39 Rule- 1 and 2 read with section - 151 C.P.C. i.e. 7-C Application pending in Original Suit No. 426/2021 (Parmeshwar Shah vs. Ramkaran Nishad) as expeditiously and earliest within stipulated period which as fixed by this Hon'ble Court."

3. It appears that the aforesaid Suit No. 426 of 2021 was filed in the court of Civil Judge (Junior Division), Gorakhpur seeking a relief of injunction simplicitor in respect of a plot of land measuring 767.28 sq. meters situated on Arazi No. 691 in revenue village Behrampur Ehatmali, Tappa Kasba, Pargana Haveli, Tehsil Sadar, District Gorakhpur. It appears from the record that the entire area of plot no. 691 has not been stated. A perusal of the order-sheet, a certified copy of which has been enclosed in Annexure No. 2 to this petition reflects that the case is being listed for filing of the written statement and for framing of the issues. It does not appear from the order-sheet that whether the defendants have been duly served with summons.

4. Under the circumstances, no interference is called for in this petition. This petition is, accordingly, **dismissed**.

5. However, it is open for the plaintiff to move an application before the court concerned for expeditious consideration of the application for temporary injunction. If such an application is filed, the court will consider the same in due course.

Order Date :- 17.11.2023

A. V. Singh

(Jayant Banerji, J.)