

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9968 of 2023

Petitioner :- Pratul Agrawal

Respondent :- Satish Chand Agrawal And 12 Others

Counsel for Petitioner :- Virendra Singh, Abhai Singh

Hon'ble Jayant Banerji, J.

1. A supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the petitioner.
3. This petition has been filed by the defendant no. 2 in Original Suit No. 450 of 2014 filed before the court of Civil Judge (Senior Division), Mathura between Satish Chand Agrawal Vs. Bauna Bahadur and others.
4. The aforesaid suit was filed seeking permanent injunction restraining the defendants from exclusively taking possession of any particular part of the suit property and interfering in the joint possession of the plaintiff or to damage or make fresh constructions thereon.
5. It is stated by learned counsel that an ad-interim temporary injunction was granted on 2.7.2014 in favour of the plaintiff not to interfere in his peaceful possession and not to make any damage or take possession or make new construction without partition, on any specific part of the suit property. It is stated that the defendants challenged the order of the ad-interim injunction dated 2.7.2014 in an appeal which was dismissed and the order of the trial court was modified and the parties were directed to maintain status quo till the next date. The trial court was also directed to dispose of the application for temporary injunction 7C within a period of one month. It is stated that the application 7C continues to be pending and is not being decided by the trial court. It is stated that as is reflected from the certified copy of the order-sheet enclosed as Annexure No. 7 to this petition, the temporary injunction is being extended from time to time without the application 7C itself being decided.
6. Under the circumstances, given the fact that neither the certified copy of the order of the appellate court dated 12.8.2016 is on

record nor the certified copy of the order of the trial court dated 2.7.2014 is on record, no specific direction as sought for can be issued. It is, however, left open to the defendant-petitioner to move an application before the District Judge, Mathura on the administrative side for directing expeditious consideration of the application 7C filed in the aforesaid Original Suit No. 450 of 2014. If such an application is filed, that application would be duly considered by the District Judge.

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

Order Date :- 30.11.2023

A. V. Singh

(Jayant Banerji, J.)