

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10829 of 2023

Petitioner :- Devaki Nandan And 3 Others

Respondent :- Smt. Kamlesh And 6 Others

Counsel for Petitioner :- Dharmendra Singh

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioners and perused the record.
2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
3. The basic relief sought by the petitioners in the present petition under Article 227 of the Constitution of India is to direct the court below to decide Original Suit No. 247 of 2012 expeditiously.
4. It is argued by learned counsel for the petitioners that the Original Suit No. 347 of 2012 filed by the plaintiff- petitioner for cancellation of sale deed is still pending consideration from last more than two years. It is further argued that in the aforesaid suit, an application was filed being interim injunction application (Paper no. 5-C) for grant of interim protection. It is further argued that though the notices were issued to the injunction application on 16.11.2012 but no final decision has been taken on the same till date.
5. Counsel for the petitioner has placed reliance upon the letter dated 16.8.2017 bearing No.CL No.24/Admn. G-II, dated Allahabad 16.8.2017 issued by this Court. In the aforesaid letter this Court has already directed all the subordinate courts to ensure disposal of interim injunction applications within six months failing which, they shall have to record reasons. The said direction was issued by the letter dated 16.8.2017 bearing No.CL No.24/Admn. G-II, dated Allahabad 16.8.2017 and same is quoted below:-

"From,
Mohd.Faiz Alam Khan, HJS,
Registrar General,
High Court of Judicature at Allahabad
To,
All the District & Sessions Judges,Subordinate to the High Court of Judicature at Allahabad.
C.L. No. 24/Admin. 'G-II' Dated: Allahabad 16.08.17

Sub: Time bound disposal of interim injunction application.

Madam/Sir,

Hon'ble Court has directed that all the subordinate courts must ensure to dispose of applications of interim injunction within six months, failing which they shall have to record reasons in the order-sheet. I am, therefore, directed to request you to circulate the instant direction amongst all the judicial Officers working under your supervision and control and to ensure strict compliance of the same in letter and spirit.

Your faithfully,

(Mohd. Faiz Alam Khan)

No. 9770/Admin. 'G-II' Dated: Allahabad 16.08.2017"

6. Lastly, it is argued that a direction may be issued by this Court to the court below to pass appropriate orders to the injunction application expeditiously.
7. In this view of the matter, the court below is directed to decide the injunction application filed in Original Suit No. 347 of 2012 most expeditiously and preferably within a period of two months from the next date fixed in the matter.
8. With the above, the present petition is disposed of.

Order Date :- 21.11.2023

S.K.