

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11882 of 2023

Petitioner :- Rita Singh

Respondent :- Vishal Singh And Another

Counsel for Petitioner :- Dinesh Chandra Mishra, Pragati Mishra

Hon'ble Ashutosh Srivastava, J.

Heard Sri Dinesh Chandra Mishra, learned Counsel for the petitioner.

Considering the nature of order that is proposed to be passed, notice upon the respondents are being dispensed with.

The petitioner is a plaintiff in a Suit No.1062 of 2019 (Smt. Rita Singh Vs. Vishal Singh and others) seeking declaration as well as permanent injunction. The plaintiff of the Suit filed application seeking interim injunction numbered as Paper 6-C. Civil Judge (Junior Division), Ghazipur, by order dated 10.2.2023 rejected the interim injunction application which order has been assailed by the petitioner in a misc. appeal, being misc. appeal no.08 of 2023.

Learned Counsel for the petitioner submits that the appeal has been admitted and notices upon the respondents have been held to be sufficient.

The attention of the Court is invited to the order-sheet of proceedings of the appeal, which has been brought on record as Annexure-10 to the petition, to demonstrate the fact that the appeal has been admitted and notices upon the respondents therein have been held to be sufficient and that the appeal is being fixed for hearing. He submits that now the appeal has been fixed for hearing for 8.12.2023. He further submits that subject matter of the Suit is a Will dated 15.10.1991. A declaration in respect of which has been sought to declare the same as false and fabricated. He submits that the purpose of filing the present petition would stand served if a direction is issued to Additional District Judge Ist, Ghazipur, to conclude and decide the proceedings of the said misc. appeal no.08 of 2023 within the time framed by this Court.

Having heard learned Counsel for the petitioner and having perused the record, this Court is of the opinion that it is a fit case in which proceedings of misc. appeal can be expedited.

Accordingly, the petition is disposed of by requiring Additional District Judge Ist, Ghazipur, to conclude and decide the proceedings of the said misc. appeal no.08 of 2023 (Smt. Rita Singh Vs. Vishal Singh and others) strictly in accordance ;with law preferably within 8 months from the date of service of a certified copy of this order without granting any unnecessary adjournment to either of the parties.

Order Date :- 23.11.2023

Irshad