

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11058 of 2023

Petitioner :- Aarati Singh

Respondent :- Anshuman Singh And 6 Other

Counsel for Petitioner :- Muktesh Kumar Singh

Counsel for Respondent :- Aradhana Singh

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner, Ms. Aradhana Singh, learned counsel for respondent No.1, Sri Prarahuram Choubey, learned counsel for respondent No.2/Bank of Baroda 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 petitioner/petitioners in the present petition under Article 227 of the Constitution of India is to direct the court below to decide Restoration Application dated 05.07.2023 filed under Order 39 Rule 4 C.P.C. in Original Suit No.390 of 2022 (Anshuman Singh Vs. Aarati Singh) expeditiously.
4. It is argued by learned counsel for the petitioner that against an ex parte injunction order dated 29.04.2023, the petitioner/defendant in the aforesaid suit has filed Restoration Application dated 05.07.2023 with the prayer to recall the order dated 29.04.2023 and decide the injunction application afresh after hearing him. It is argued that various dates were fixed in the matter but till date no

final decision has been taken on the same.

5. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned to decide the aforesaid application strictly in accordance with law most expeditiously and preferably within a period of four weeks from the date of production of certified copy of this order but without granting unnecessary adjournment unless there is no legal impediment.

Order Date :- 6.11.2023

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