

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10366 of 2023

Petitioner :- Kashi Mokshgami Shriramprasad Swarnkar Smriti Dharamshala Trust Committee

Respondent :- Ali Ahmad And 3 Others

Counsel for Petitioner :- Mohit Kumar

Hon'ble Jayant Banerji, J.

1. Heard Shri Kulashvar Sharma (Advocate roll- A/K 0354/12), Advocate holding brief of Shri Mohit Kumar, learned counsel for the petitioner.

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

"A. to restrain the defendant-respondent no.1 from raising construction over the suit property and/or from changing the nature of suit property in any manner whatsoever, during pendency of suit.

B. in addition to or in substitution above, to grant such other and further relief in favour of petitioner, which this Hon'ble Court may deem just and proper in the interest of justice.

C. award the cost.

D. to direct the interim injunction application 6'C' be decided within the time specified by this hon'ble Court."

3. It appears that the petitioner has filed the aforesaid suit seeking a declaration of a sale deed dated 15.2.2021 as void and further seeking permanent injunction.

4. It is stated that the aforesaid suit was filed on 20.9.2023 and on the application 6C2, notices were directed to be issued by the order dated 20.9.2023.

5. Given the fact that the suit was instituted on 20.9.2023, no case for interference is made out.

6. This petition is, therefore, **dismissed**.

Order Date :- 15.12.2023

K.K.Tiwari

(Jayant Banerji, J.)