

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10371 of 2023

Petitioner :- Smt. Sarla Devi

Respondent :- Satyendra Tomar And 2 Others

Counsel for Petitioner :- Saroj Kumar Tiwari

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"(i) Issue a order, or direction set-aside the impugned order dated 11.08.2023 passed by the learned Civil Judge (S/D), Aligarh in original suit no. 516 of 2023 (Smt. Sarla Devi Vs. Satyendra Tomar and others) in application 16C.

(ii) Issue any other petition, order or direction to the court concerned for decide the application 7C in suit no. 516 of 2023 (Smt. Sarla Devi and others Vs. Satyendra Tomar and others), stipulated period fixed by this Hon'ble Court."

3. The contention of the learned counsel for the petitioner is that the petitioner is running a school and the respondents are creating obstructions on the road through which the school children pass which leads to the school. It is stated that Amin report dated 29.5.2023 has also been received. It is stated that an application 16C was filed on 11.8.2023 by the petitioner seeking ad-interim injunction which was rejected by the trial court by an order dated 11.8.2023. It is stated that an application for grant of temporary injunction 7C is pending.

4. Accordingly, without entering into the merits of the matter, this petition is **disposed of** with a direction to the Civil Judge (Senior Division), Aligarh to decide the aforesaid application 7C pending in Original Suit No. 516 of 2023 after ensuring that the defendants are duly served, expeditiously and preferably, within a period of two months from the date of filing of a certified copy of this order before the him provided there is no legal impediment.

Order Date :- 15.12.2023

A. V. Singh

(Jayant Banerji, J.)