

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10385 of 2023

Petitioner :- Kaushalya Devi

Respondent :- Yogendra And 8 Others

Counsel for Petitioner :- Ashish Srivastava

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"I) An order or direction to directing learned Civil Judge (S.D.), Ghazipur to decide Civil Suit No. 667 of 2022 (Kaushalya Devi and another Vs. Yogendra and others), pending before him, within a stipulated time as may be specified by this Hon'ble Court.

II) Issue an, order or direction commanding learned Civil Judge (S.D.), Ghazipur to decide the application of 6C in Civil Suit No. 667 of 2022 (Kaushalya Devi and another Vs. Yogendra and others), within a stipulated time as may be specified by this Hon'ble Court."

3. It appears that the petitioner is the plaintiff no. 1 in the Original Suit No. 667 of 2022 that is stated to be pending in the court of Civil Judge (Senior Division), Ghazipur, in which the relief of permanent injunction has been sought. It is stated that an application has been filed for temporary injunction, which has not been decided.

4. The certified copy of the order-sheet of the aforesaid suit reflects that notices on the application 6C2 were issued pursuant to the order of the court dated 22.12.2022, however, learned counsel for the petitioner states that the defendants have not appeared.

5. Under the circumstances, this petition is **disposed of** with a direction that in case the defendants are duly served and there is no legal impediment in the matter, the trial court would proceed to consider the application 6C2 in accordance with law, expeditiously.

Order Date :- 15.12.2023

A. V. Singh

(Jayant Banerji, J.)