

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10531 of 2023

Petitioner :- Santosh Kumar Singh

Respondent :- Umesh Singh

Counsel for Petitioner :- Harshit Pathak, Anurag Pathak, Dhanvant Singh, Namman Raj Vanshi

Counsel for Respondent :- Dharmendra Kumar Dohare, Anil Kumar Pandey, Dhires Kumar

Hon'ble Prakash Padia, J.

1. The petitioner has preferred the present petition inter-alia with the prayer to direct the court below namely Civil Judge (Senior Division), Sharki Allahabad to decide the application for temporary injunction being Paper No. 6Ga 2 finally as per the provisions contained under Order 39 Rule 3-A of C.P.C.

2. Counsel for the petitioner placed reliance upon paragraph-20 of the judgment delivered by this Court in the **Matter Under Article 227 No. 3189 of 2020 (Gurmej Singh and 7 Others vs. Ranjit Kaur and 2 others)** decided on 07.12.2020. Paragraph-20 of the aforesaid judgment is reads as follows:-

"20. Thus, in a way, even if Order 39 Rule 3-A CPC is omitted in the State of UP, a direction to ensure disposal of interim injunction application within six months has been given by this Court. This direction appears to be to balance the equity between the parties, as on one hand, party enjoys the ex-parte temporary injunction order would be interested in prolonging the same and on the other hand, if temporary injunction is not granted, the other party would be interested in prolonging the disposal of the same. Hence, in the State of U.P. in absence of applicability of Rule 3-A thirty days time limit can be safely treated to be six months for disposal of temporary injunction application and also for the purpose of deemed inclusion of order passed in exercise of powers under Proviso to Rule 3 of Order 39 CPC (after six months) in Order 43 Rule (1) (r) CPC. "

3. Apart from the same, a circular has also been issued by this Court dated 16.08.2017 regarding time bound dismissal of the interim injunction application which is quoted as under:-

*"From,
Mohd.Faiz Alam Khan, HJS,
Registrar General,
High Court of Judicature at Allahabad
To,
All the District & Sessions Judges, Subordinate to the High Court of Judicature at Allahabad.*

C.L. No. 24/Admin. 'G-II' Dated: Allahabad 16.08.17

Sub: Time bound disposal of interim injunction application.

Madam/Sir,

Hon'ble Court has directed that all the subordinate courts must ensure to dispose of applications of interim injunction within six months, failing which they shall have to record reasons in the order-sheet. I am, therefore, directed to request you to circulate the instant direction amongst all the judicial Officers working under your supervision and control and to ensure strict compliance of the same in letter and spirit.

Your faithfully,

(Mohd. Faiz Alam Khan)

No. 9770/Admin. 'G-II' Dated: Allahabad 16.08.2017"

4. In this view of the matter, it is argued that the court below be directed to pass appropriate orders on the aforesaid application at an early date.
5. Heard counsel for the petitioner and perused the record.
6. In the facts and circumstances of the case and with the consent of counsel for the parties, the present petition is disposed of finally directing the court below before whom the aforesaid application is pending to decide the application No. 6Ga 2 finally, most expeditiously and preferably within a period of six weeks from the date of production of certified copy of this order.
7. It is made clear that parties will not take any unnecessary adjournment.

Order Date :- 7.11.2023

Swati