

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10467 of 2023

Petitioner :- Pratham Jain

Respondent :- Sarita Jain And 7 Others

Counsel for Petitioner :- Mridul Chandra Tiwari,Vatsala Upadhyay

Counsel for Respondent :- Ramesh Kumar Shukla,Amrish Sahai

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner, Ramesh Kumar Shukla, learned counsel for respondent No.7/Punjab National Bank and Sri Amrish Sahai, learned counsel for respondent No.8/Bank of Maharashtra.

2. The only relief sought by the petitioner in the present petition under Article 227 of the Constitution of India is to direct the court below to decide injunction application being paper No.6C filed in the Suit No.207 of 2023 ((Pratham Jain Vs. Sarita Jain and others) expeditiously.

4. It is argued by learned counsel for the petitioner that along with the suit, an application for grant of injunction application has also been filed in which notices were issued to the defendants/respondents on 16.03.2023. It is argued that the matter is pending before the Court below since then and considerable time has already been lapsed but till date no final decision has been taken in the matter.

5. This Court has already directed all the subordinate courts to ensure disposal of interim injunction applications within six months failing which, they shall have to record reasons. The said direction was issued by the letter dated 16.8.2017 bearing No.CL No.24/Admn. G-II, dated Allahabad 16.8.2017 and same is quoted below:-

"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"

6. In the facts and circumstances of the case and in view of circular/letter issued by this Court, the present petition is disposed of directing the court concerned to decide the aforesaid injunction application, if possible, on the next date fixed in the matter. If on account of any reason, the same could not be decided, the aforesaid application be decided within a period of four weeks thereafter but after providing opportunity of hearing to the all the parties concerned and without granting any unnecessary adjournment to any of the parties.

Order Date :- 8.12.2023

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