

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10744 of 2023

Petitioner :- Aurangzeb And Another

Respondent :- Prabhu Yadav

Counsel for Petitioner :- Mahesh Kumar Sahani

Hon'ble Prakash Padia,J.

1. Learned counsel for the petitioners is permitted to make necessary correction in the description of prayer clause of the stay supplication as well as writ petition.
2. Heard learned counsel for the petitioner/petitioners and perused the record.
3. The only prayer made by the petitioner in the present petition to direct the Court below to decide the injunction application being Paper No.6C filed in Original Suit No.360 of 2023 (Prabhu Yadav Versus Suleman and another) expeditiously.
4. It is argued by the learned counsel for the petitioners that Original Suit was filed by the plaintiff-respondent being Original Suit No. 360 of 2023 (Prabhu Yadav Versus Suleman and another) in which ex-parte interim injunction was granted in his favour by the learned Civil Judge (Senior Division), Maharajganj on 06.07.2023. He further argued that though an application has been filed to vacate the same along with affidavit, but till date no final decision has been taken.
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"

7. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned to decide the aforesaid injunction application finally strictly in accordance with the circular No.CL No.24/Admn. G-II, dated Allahabad dated 16.8.2017.

Order Date :- 8.12.2023

T.S.