

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10493 of 2023

Petitioner :- Cinni Foundation A Trust And 3 Others and 3 Others

Respondent :- Tarex Impex And Another

Counsel for Petitioner :- Anand Kumar Singh

Hon'ble Prakash Padia,J.

1. The following order was passed on 04.12.2023:-

"1. The petitioners have preferred present petition inter-alia with the prayer to direct the District Judge, Varanasi to decide the substitution application filed by the petitioners on 23.12.2019 in Original Suit No.68 of 2012 (Cinni Foundation & Ors Vs. Tares Impex and another) as well as also direct the court below to decide the 6-C application dated 26.10.2012 filed in Original Suit No.68 of 2012 (Cinni Foundation & Ors Vs. Tares Impex and another).

2. The District Judge, Varanasi is directed to submit its report specially to the effect that whether the aforesaid applications are still pending or not within a week in case matter is pending before him or direct the court concerned, where applications are pending to give comments. From perusal of the order-sheet it appears that the hearing of the aforesaid suit is going on.

3. Put up as fresh for further hearing on 12.12.2023.

4. The Registrar (Compliance) is directed to communicate copy of this order to the District Judge, Varanasi within 24 hours."

2. Pursuant to the same, a report has been submitted by the District Judge, Varanasi dated 08.12.2023 is already on record. From Paragraph-14 onward of the aforesaid report reads as follows:-

"14- दिनांक 03.11.2023 को विपक्षी के अधिवक्ता उपस्थित थे व पत्रावली दिनांक 22.11.2023 को नियत की गयी।

15- दिनांक 22.11.2023 को पत्रावली दिनांक 11.12.2023 को नियत की गयी है।

16- पत्रावली के अवलोकन से ज्ञात होता है की निषेधाज्ञा प्रार्थनापत्र 6 ग दिनांकित 26.10.2012 का निस्तारण अभी तक नहीं किया गया है और न ही प्रतिस्थापन प्रार्थनापत्र 56 ग दिनांक 23.12.2019 का निस्तारण अभी तक किया गया है।

इस वाद को दिन-प्रति-दिन चलाया जायेगा और निषेधाज्ञा प्रार्थनापत्र 6 ग और प्रतिस्थापन प्रार्थनापत्र कागज़ संख्या 56 ग का निस्तारण अविलम्ब करने का पूर्ण प्रयास किया जायेगा। "

3. From perusal of the aforesaid report, it is clear that as on date two applications are pending namely application no.6-C dated 26.10.2012 as well as substitution

application no. 56-C dated 23.12.2019. Insofar as the application no.6-C is concerned, the next date fixed is 14.12.2023. Insofar as the substitution application is concerned, hearing has already been concluded on 11.12.2023 and the court below will pass orders on the aforesaid substitution application on any date.

4. In view of the comments as provided by the District Judge, Varanasi as quoted above, the present petition is disposed of finally, the District Judge, Varanasi is directed to conclude the proceedings as per averments made in the aforesaid report dated 08.12.2023 as quoted above.

Order Date :- 12.12.2023

Swati