

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10728 of 2023

Petitioner :- Santosh Kumar Singh

Respondent :- Dharendra Singh And 4 Others

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

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

Hon'ble Prakash Padia, J.

1. Heard learned counsel for the parties and perused the record.
2. The only prayer made by the petitioner in the present petition to direct the Court below to decide the injunction application being Paper No.6C2 filed in Suit No.1322 of 2022 (Dhirendra Singh Vs. Tilakraj Singh and others) expeditiously.
3. It is argued by learned counsel for the petitioner that the aforesaid suit has been filed by the respondent namely Dharendra Singh against five persons including the present petitioner. In the aforesaid suit, an ex-parte interim order was granted in favour of the respondent-defendant by the Court below on 02.05.2022. It is argued by learned counsel for the petitioner that the aforesaid order has been passed without considering the basis ingredients for grant of injunction namely (a) prima facie case, (b) balance of convenience and inconvenience, and (c) irreparable loss and injury. It is argued that in the case of Makers Development Services (P) Ltd. v. M. Visvesvaraya industrial | Research & Development Centre, (2012) 1 SCC 735 : (2012) 1 SCC (Gy) 379, it has been held by the Hon'ble Supreme Court that while passing an interim order of injunction under Order 39, Rules 1 and 27 the court is required to consider three basic principles, namely, (a) prima facie case, (b) balance of convenience and inconvenience, and (c) irreparable loss and injury. Learned counsel for the petitioner prays that the Court below be directed to decide the the aforesaid application expeditiously.
3. This Court has already issued a circular/letter dated 16.8.2017 bearing No.CL

No.24/Admn. G-II, dated Allahabad 16.8.2017 by which all the subordinate courts is directed to ensure disposal of interim injunction applications within six months failing which, they shall have to record reasons.

4. It reveals from perusal of the record that more than 18 months have already been lapsed but till date no final decision has been taken in the matter.

5. 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 finally 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 three but after providing opportunity of hearing to all the parties concerned and without granting any unnecessary adjournment to any of the parties.

6. It is made clear that this Court has not expressed any opinion on merits of the case and the Court below is free to pass order on merits strictly in accordance with law without influencing any observations made by this Court.

Order Date :- 8.12.2023
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