

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10747 of 2023

Petitioner :- Bechan Prasad Nishad

Respondent :- Navik Jal Majdoor Matsyajivi Sahkari Samiti Limited And 8 Others

Counsel for Petitioner :- Shashi Kant Dwivedi

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner and perused the record.
2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
3. It is argued by counsel for the petitioner that in the original suit filed by the plaintiff-respondent being Original Suit No.422 of 2015 (Navik Jal Majdoor Vs. Bechan Prasad and others) an interim protection was granted in favour of plaintiffs on 30.05.2022. Aggrieved against the aforesaid Misc. Civil Appeal No.42 of 2022 (Bechan Prasad Nishad Vs. Navik Jal Majdoor and others) was filed by the petitioner in the defendant in the original suit with the prayer to vacate the interim injunction dated 30.05.2022. It is further argued that the appeal has already been admitted by the District Judge, concerned on 18.08.2023 but till date no final decision has been taken in so far as the application for interim relief is concerned.
4. In this view of the matter, a prayer has been made to direct the appellate court namely Additional District Judge-IV, District Deoria before whom the aforesaid appeal is pending to decide the same expeditiously.
5. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned or before whom appeal is pending consideration, to decide the aforesaid appeal most expeditiously strictly in accordance with law and without granting unnecessary adjournment unless there is no legal impediment.

Order Date :- 2.12.2023

Pramod Tripathi