

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10810 of 2023

Petitioner :- Yogesh Pandey And 5 Others

Respondent :- Usha Mishra And 3 Others

Counsel for Petitioner :- P.K. Upadhyay, Vikram Yadav

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner/petitioners and perused the record.

2. The basic relief sought by the petitioner/petitioners in the present petition under Article 227 of the Constitution of India is to direct the court below to decide the objection dated 20.11.2021 filed by the petitioner in 6-C application filed by the respondent no.1 in Civil Suit No. 1221 of 2021 (Usha Vs. Nagesh) expeditiously.

3.It is argued by the learned counsel for the petitioners/defendants that against the ex-parte injunction granted in favour of plaintiffs-respondents on 21.10.2021, an application to vacate the order dated 21.10.2021 has already been filed by the defendants-petitioners on 20.11.2021, but till date, no decision has been taken on the same. It is argued that injunction was granted in favour of plaintiffs-respondents against the provision as laid down by Hon'ble Apex Court in the case of Rameshwari Devi Versus Nirmala Devi reported in (2011) 8 SCC 249. It is further argued that an application to vacate the order dated 21.10.2021 is pending consideration and long time has already been elapsed, but till date no decision has been taken. It is further argued that court below be directed to decide the same expeditiously as per law laid down in the Rameshwari Devi (supra).

4. In the fact and circumstances of the case, writ petition is ***disposed of*** directing the court below before whom the application is pending to pass appropriate order on the application filed by the plaintiffs-petitioners most expeditiously in accordance with law, if possible within a period of four weeks from the date of production of certified copy of this order.

Order Date :- 7.11.2023

T.S.