

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11773 of 2023

Petitioner :- Purnamasi Patel

Respondent :- Sani Patel (Minor) And 4 Others

Counsel for Petitioner :- Ram Kumar Pal,Raj Kumar Pandey

Hon'ble Ashutosh Srivastava,J.

1. Sri Ram Kumar Pal, learned counsel for the petitioner.
2. The limited prayer made by the petitioner by means of the present petition under Article 227 of the Constitution of India that interim injunction application registered by Paper No. 6-C filed in Original Suit No. 574 of 2019 (Puranmasi Patel vs. Sani Patel and others) is pending consideration since 10.04.2019 to be decided expeditiously within a time framed fixed by this Court.
3. Learned counsel for the petitioner submits that the petitioner is a plaintiff in Suit No. 574 of 2019 instituted before the Civil Judge (Junior Division), Hawali, Varanasi seeking the relief of cancellation of will deed dated 11.05.2018. Along with the plaint of the aforesaid suit, an application under Order 39 Rule 1 C.P.C. has been filed which has been registered as Paper No. 6-C and is pending consideration. He further submitted that for the purpose of filing the present petition shall stand served if appropriate direction are issued for expeditious disposal of the said application pending since 10.04.2019 within a time framed fixed by this Court. It is further submitted that the defendants who have been arrayed as respondents in the present petition have put in appearance though the defendants who have been arrayed as respondents in the present petition have appeared in the suit proceedings, have not

filed any objections to the interim injunction application till date. He further submitted that the non disposal of the interim injunction application is prejudicing the rights of the petitioner.

4. Having considered the submissions of learned counsel for the petitioner, this court is of the opinion that the matter can be disposed of by requiring the Civil Judge (Junior Division), Hawali, District Varanasi seized with the interim injunction application Paper No. 6-C dated 10.04.2019 filed in Original Suit No. 574 of 2019 to be decided expeditiously preferably within a period of two months from the date of service of certified copy of the order of this court, after considering all aspects of the matter.

5. It is needless to say that the court while deciding the said application may consider the objections, if any, to the interim injunction application filed by the defendants respondents herein, in accordance with law.

6. Accordingly, the writ petition is **disposed of**.

Order Date :- 22.11.2023

Manoj