

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11139 of 2023

Petitioner :- Qamar Siddiqi And 3 Others

Respondent :- Shoeb Alam And 2 Others

Counsel for Petitioner :- Javed Husain Khan,Gulrez Khan,Hriday Raj Tripathi,Sr. Advocate

Hon'ble Prakash Padia,J.

1. Heard Sri W.H. Khan, learned Senior Advocate, assisted by Sri Hriday Raj Tripathi, learned counsel for the petitioners and perused the record.

2. The present writ petition under Article 227 of the Constitution of India has been filed inter-alia with a prayer to set aside the order dated 03.12.2022 by which ex-parte interim injunction was granted in favour of plaintiffs-respondents, which was extended from time to time.

3. It is argued that though an application to vacate the aforesaid order, has already been filed by defendants-petitioners on 26.09.2023, copy of which has been appended at page No. 17 to the writ petition, but till date no decision has been taken on the said application. It is further argued that injunction order granted by the court below is absolutely illegal, no specific reason has been assigned while passing the order.

4. Learned counsel for the petitioners has placed reliance on paragraph no.4 of the judgment delivered by Hon'ble Apex Court in the Case of *Rayat Shikshan Sanstha Versus Suneel Shiva Gaikwad reported in (2010) 15 S.C.C 539*.

5. It is argued that the injunction granted by the court below in favour of plaintiffs-respondents is absolutely illegal and same is liable to be set aside and in view of proposed to be passed, no useful purpose would be served to keep the matter pending. It appears from the injunction granted by the trial court in favour of plaintiffs-respondent,same has been passed without assigning any specific reason, since the application to vacate the order, has already been filed by the defendants-petitioners as stated above.

6. In view of the matter, in the interest of justice, the writ petition

is disposed of, directing the court below before whom application is pending to pass appropriate order on the aforesaid application, if possible before the next date fixed, preferably within a period of four weeks from the date of production of certified copy of this order.

Order Date :- 8.11.2023

T.S.