

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12039 of 2023

Petitioner :- Chhote Lal And Another

Respondent :- Bhola Nath And Another

Counsel for Petitioner :- Renu Pandey

Hon'ble Prakash Padia,J.

Heard learned counsel for the defendant-petitioners and perused the record.

In view of the order proposed to be passed, notice not to be issued.

Present writ petition under Article 227 of the Constitution of India has been filed with the prayer to direct the court below to decide the Application Paper No. 20Ga dated 10.07.2023 for interim injunction filed in support of Civil Suit No. 289 of 2022 (Chhote Lal and another Vs. Bhola Nath and another) pending before the Civil Judge (Junior Division), Mirzapur and further prayed that parties may be directed to maintain status-quo between the parties till final decision is taken in the matter..

It is argued that by the learned counsel for the petitioners that along with plaintiff suit, interim injunction was filed in which earlier date was fixed on 31.08.2023. Since the defendant to the suit tried to change the nature of land and another application was filed on 12.07.2023 being Application No. 22-C to restrain the defendant in the suit, which is filed as (Annexure No-2 to the writ petition). It is further argued that though the date fixed in the aforesaid application but till date no final decision has been taken. It is also argued that in case defendant in the suit will change the nature of land, the plaintiffs-petitioners will suffer irreparable loss.

From the perusal of the record it transpires that suit is pending last one year. During pendency of the same, another application was filed being Application No. 22-C but till date no orders were passed on the same.

In view of the fact and circumstances and also in the interest of justice, the writ petition is disposed of with a direction to the court below before whom aforesaid application is pending to decide aforesaid suit most expeditiously, preferably before the next date fixed in the matter.

Till 31.01.2024 or till appropriate is order passed on the aforesaid suit, whichever is earlier, parties are restrained to change the nature of land.

Order Date :- 4.12.2023

T.S.