

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11618 of 2023

Petitioner :- Halimakhatun And Another

Respondent :- Asmakhatun And Another

Counsel for Petitioner :- Monu Upadhyay

Hon'ble Ashutosh Srivastava,J.

Heard Shri Monu Upadhyaya, learned counsel for the petitioner.

Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Junior Division), Kasya, Kushinagar to decide the case No. 662 of 2020 (Halima and others vs. Salma and others), under Sections 31 and 38 of the Specific Relief Act, within a stipulated period.

Learned counsel for the petitioners during the course of arguments has confined the relief for expeditious disposal of the interim injunction application paper no. 6-C.

Learned counsel for the petitioner submits that interim injunction application (6-C), filed along with the aforesaid case, is pending consideration and the purpose of filing the present petition would stand served if appropriate directions are issued to the Court below to consider and pass appropriate orders on the pending interim injunction application (6-C) within a time frame fixed by this Court.

This Court has perused the order sheet of the proceedings, annexed along with the petition.

A perusal of the order sheet reveals that the Court below has issued notices to the respondent on the 6-C application. Thereafter, several dates have been fixed, but the 6-C applications remains pending till date.

In view of the above, this Court is of the opinion that the petition under Article 227 can be disposed of by requiring the Civil Judge

(Junior Division), Kasya, Kushinagar seized with the 6-C application, filed in Case No. No. 662 of 2020 (Halima and others vs. Salma and others), to consider and pass appropriate orders on the same, expeditiously, preferably, on the next date fixed or within a period of two month from the next date fixed.

With the aforesaid observations the writ petition is ***disposed off***.

Order Date :- 8.12.2023

Deepak/