

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12128 of 2023

Petitioner :- Mool Chandra

Respondent :- Praveen And 5 Others

Counsel for Petitioner :- Akancha Singh

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Prem Shanker under the authority of Ms. Akancha Singh, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.
3. The petitioner is a plaintiff in a Suit for partition registered as Original Suit No.986 of 2021. Along with the plaint,an application for interim injunction registered as Paper No.6-C has been filed, which is stated to be pending.
4. Learned Counsel for the petitioner submits that the purpose of filing the present petition would stand served if an appropriate direction is issued to Civil Judge (Junior Division), Shahganj, Jaunpur, to decide 6-C application filed in Original Suit No.986 of 2021 within the stipulated time frame fixed by this Court.
5. Learned Counsel for the petitioner has invited the attention of this Court to the various orders passed in the proceedings which have been brought on record by filing the order-sheet, annexed as Annexure-2 to the petition.
6. I have heard learned Counsel for the petitioner and perused the record.
7. From the order-sheet that has been brought on record, it is borne out that at the time of entertaining the Suit by order dated 29.7.2021, notices were issued to the defendant inviting objection of 6-C application. Thereafter, various dates were fixed. Pursuant to the notice issued to defendant no.2, the respondent no.2 - Pramila has put in appearance and filed objection to 6-C application.
8. Learned Counsel for the petitioner submits that considerable

time has elapsed since filing of the application. In the event the said application is not considered, the petitioner shall suffer irreparable loss and hardship.

9. Having heard learned Counsel for the petitioner and having perused the record, this Court is of the opinion that since the interim injunction application is stated to be pending since 29.7.2021 and defendant no.2 has already put in appearance and also taking note of the fact that the Suit in question is a partition Suit and the parties to the Suit are related to each other, it is a fit case in which directions can be issued for expeditious disposal of the pending interim injunction application.

10. This petition is ***disposed of*** by requiring the Civil Judge (Junior Division), Shahganj, Jaunpur, seized with application for interim injunction (paper no.6-C) in Original Suit No.986 of 2021 to consider and decide the same on the next date fixed or within a period of 2 months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 29.11.2023

Irshad