

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11790 of 2023

Petitioner :- Banarasi Das

Respondent :- Ghansham Das And 4 Others

Counsel for Petitioner :- Sandeep Kumar Pandey

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Sandeep Kumar Pandey, 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. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Junior Division), Bhadohi at Gyanpur to decide the Stay Application (6-C) in Original Suit No. 274 of 2022 (Banarasi Das vs. Ghanshyam Das and others), dated 15.11.2022 filed by the petitioner/plaintiff within a stipulate period.
4. Learned counsel for the petitioner submits that interim injunction application (6-C), filed along with the aforesaid Original Suit, 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.
5. This Court has perused the order sheet of the proceedings, annexed along with the petition.
6. A perusal of the order sheet reveals that the Court below after perusal of report of Munsrim registered the case and issued notices to the respondent. Thereafter, several dates have been fixed, but the 6-C applications remains pending till date.
7. 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), Bhadohi at Gyanpur seized with the 6-C application, filed in Original Suit No. 274 of 2022 (Banarasi Das vs. Ghanshyam Das 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.

8. With the aforesaid observations the writ petition is disposed of.

Order Date :- 13.12.2023

v.k.updh.