

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 11774 of 2023

**Petitioner :-** Baram Prasad And 4 Others

**Respondent :-** Vikramjeet And 8 Others

**Counsel for Petitioner :-** Krishna Dev Mishra

**Hon'ble Ashutosh Srivastava,J.**

Heard Shri Krishna Dev Mishra, learned counsel for the petitioners.

Although, several reliefs have been claimed, by the petitioners, in the present petition, learned counsel for the petitioners confines his relief in respect to a direction to the Civil Judge (Junior Division) Allahabad, to decide the injunction application (6-C) dated 04.08.2018, filed in original Suit No. 1973 of 2018, within stipulated time, fixed by this Court.

Learned counsel for the petitioners submits that the petitioner are plaintiffs in Original Suit No. 1973 of 2018 which has been filed for declaring the Sale-deed null and void and an application for injunction, registered as paper No. 6-C under Order 39 rule 1 and 2 CPC was filed in the suit. The trial Court after hearing the parties granted the interim injunction prayed for. However, in Misc Appeal the Appellate Court stayed the effect and operation of the temporary injunction granted by the Trial Court. The order of the Appellate Court passed in Misc. Appeal was assailed by the petitioners by means of a petition under Article 227 of the Constitution of India, being Petition No. 622 of 2019, before this Court. This Court vide order dated 11.02.2019 stayed the operation of the impugned order dated 15.12.2018 passed by the Appellate Court which order, according to the learned counsel for the petitioners, is subsisting even today. He further submits that the defendants in the suit and the respondents herein in violation of the interim order granted by this Court in Petition No. 622 of 2019 have executed multiple sale deeds of the land involved in the suit. He further submits that the Misc. Appeal has been allowed and the matter has been remitted back to the trial Court for consideration of the interim injunction application afresh. The defendants in the suit and the respondents herein are unnecessarily delaying the disposal of 6-C application which is prejudicing the rights of the petitioners inasmuch as they have been deprived of the suit

property and on the other hand the respondents under the illegal sale deeds are benefiting from the same and thus learned counsel for the petitioner submits that a direction be issued to the trial Court (Civil Judge, Junior Division), Allahabad, seized with the injunction application (6-C) dated 04.08.2018 to pass appropriate orders within a time frame fixed by this Court.

From the records, it is borne out that the Misc. Appeal under which the matter has been remanded for consideration of interim injunction application afresh was passed on 31.03.2021 and the proceedings are pending since then. The Court finds that all the defendants, in the suit, have appeared in the proceedings and the disposal of the interim injunction application, after remand, is unnecessarily being delayed. In the above circumstances, the Court deems it appropriate to direct the Civil Judge (Junior Division), Allahabad, seized with the temporary injunction application to consider and pass appropriate orders deciding the said application within a period of 3 months, from the date of service of certified copy of the order of this Court, if there is no other impediment, strictly in accordance with law.

With the aforesaid observations, the writ petition is ***disposed of***.

**Order Date :- 22.11.2023**

Deepak/