

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11895 of 2023

Petitioner :- Smt Pushpendri Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Prem Babu Verma, Anita Singh

Counsel for Respondent :- CSC

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Prem Babu Verma, learned counsel for the petitioner and learned Standing Counsel who put in appearance on behalf of respondent no.1.

2. Considering the nature of the order proposed to be passed the notice upon the respondent no.2 and 3 is being dispensed with.

3. The petitioner is plaintiff in a suit for cancellation of sale-deed which has been registered as Suit No. 247 of 2023. The suit has been instituted on 01.07.2023. Along with the plaint of the suit an interim injunction application dated 01.07.2023 has also been filed on which the Court concerned has directed for issuance of notice fixing dates. Learned counsel submits that the purpose of filing the present petition shall stand served if appropriate direction is issued to the Civil Judge (Senior Division, Firozabad) ceased with the application for interim injunction to decide the same within time frame fixed by this Court. In order to buttress his submissions, learned counsel has invited the attention of the Court to various orders passed by the Court concerned which has been brought on record by filing copy of the order-sheet as Annexure-3 to the petition.

4. Having heard learned counsel for the petitioner and having

perused the record, it is clear from the orders passed by the Court concerned, that the defendants have already put in appearance in the suit and filed their written statement, however, objections to the interim injunction application are yet to be filed. Learned counsel submits that the next date fixed in the proceedings is 13.12.2023.

5. Considering the totality of the circumstance, this Court is of the opinion that the petition can be disposed of by requiring the Civil Judge (Senior Division, Firozabad) to consider and decide the injunction application filed in the suit no. 247 of 2023 expeditiously on the next date fixed or within two months thereafter, strictly in accordance with law.

6. The writ petition is disposed of accordingly.

Order Date :- 23.11.2023

A. Tripathi

(Ashutosh Srivastava, J.)