

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12206 of 2023

Petitioner :- Harveer Singh

Respondent :- Smt.Mandodari And 13 Others

Counsel for Petitioner :- Satyam Singh

Counsel for Respondent :- Krishna Kant Singh

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Akhilendra Singh, under the authority of Sri Satyam Singh, learned counsel for the petitioner and Sri Krishna Kant Singh, learned Counsel for the Gaon Sabha.

2. Present petition, under Article 227 of the Constitution of India, has been filed for expeditious disposal of Original Suit No.373 of 2016 (Smt. Mandodari and others Vs. Harveer Singh and others) within the stipulated time frame fixed by this Court. However, during the course of the arguments, learned Counsel for the petitioner has confined the relief for expeditious disposal of the interim injunction application (paper no.6-C-2) which is stated to be pending consideration since 4.7.2016.

3. Learned Counsel for the petitioner submits that by order dated 4.7.2016, notices were issued on the interim injunction application inviting objections. He further submits that the defendants have already put in appearance and filed their objection to the interim injunction application as also the written statement. Despite passage of almost 7 years, the interim injunction application has not been decided and he submits that the purpose of filing the present petition would stand served if appropriate directions are issued to the Civil Judge (Junior Division), Etah, to expedite the hearing of the aforesaid interim injunction application.

4. I have heard learned Counsel for the petitioner and have perused the record.

5. The order-sheet, which has been brought on record as Annexure-3 to the petition, reveals that on 4.7.2016 notice were issued on the interim injunction application and in pursuance thereof, the defendants have put in appearance and filed their objections.

However, the interim injunction application has not been taken up for its consideration and various dates are being fixed for the said purpose. The last order, which has been brought on record, dated 24.8.2023 also reflects that the Suit is pending for consideration of 6-C-2 application.

6. Considering the totality of the circumstances and taking note of the fact that application 6-C-2 for temporary injunction is pending consideration since the institution of the Suit itself, this petition is disposed of by requiring the Civil Judge (Junior Division), Etah, seized with the interim injunction application (paper no.6-C-2) filed in Original Suit No. 373 of 2016 to take up the said application and pass appropriate order thereon 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 :- 1.12.2023

Irshad