

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12337 of 2023

Petitioner :- Smt. Kamla Devi

Respondent :- Ram Sunder (Munim Ji) And Another

Counsel for Petitioner :- Dharmendra Kumar Mishra, Ashok Kumar Mishra

Hon'ble Ashutosh Srivastava, J.

Heard Shri Dharmendra Kumar Mishra, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notice upon the respondents is dispensed with.

The petitioner, who is a plaintiff in the Suit, has approached this Court, under Article 227 of the Constitution of India for a direction to the learned Civil Judge (Junior Division) Purvi, Allahabad to decide the interim injunction application (6-C) filed along with the Original Suit No. 3746 of 2022 (Kamla Devi and others vs. Ram Sundar Singh and others) within a stipulated period fixed by this Court.

Learned counsel for the petitioner submits that the Suit in question has been filed for cancellation of a forged sale deed and for injunction restraining the respondents not to raise any construction without partition over the land in question. The said suit was instituted on 07.11.2022 along with interim injunction application and learned trial Court was pleased to issue notices inviting objections. He further submits that by order dated 07.08.2023 the defendants have put in appearance. However, despite putting appearance no objections to 6-C application or written statement in response to the Suit has been filed.

Learned counsel for the petitioner submits that due to non disposal of the 6-C application the defendants are interfering in the peaceful possession over the suit property and thus submits that the purpose of filing the present petition shall stand served if appropriate directions are issued to the Civil Judge (Junior Division) Purvi,

Allahabad, to decide the interim injunction application within a time frame fixed by this Court.

I have heard learned counsel for the petitioner and have perused the record.

From the order sheet of the proceedings, brought on record as Annexure no. 3 to the petition, it is apparent that the defendants have put in appearance on 07.08.2023, however no objections have yet been filed by them despite various dates having been fixed in that regard.

In view of the above, this Court is of the opinion that the ends of justice would stand served if the petition is disposed of by directing the expeditious disposal of the interim injunction application. Accordingly, the petition is ***disposed off*** by requiring the learned Civil Judge (Junior Division) Purvi, Allahabad, seized with the interim injunction Application (6-C) filed in Suit No. 3746 of 2022 within two months from the date of service of certified copy of the order of this Court.

Order Date :- 4.12.2023

Deepak/