

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12395 of 2023

Petitioner :- Smt. Saraswati Devi

Respondent :- Rajmani And Another

Counsel for Petitioner :- Ganesh Shankar Dubey

Hon'ble Ashutosh Srivastava,J.

Heard Shri Ganesh Shankar Dubey, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notice upon the respondent nos. 1 and 2 is being dispensed with.

The present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Additional Civil Judge (Junior Division), Court No. 19, District Allahabad, to decide interim injunction application (6-C), filed by the plaintiff/petitioner in Original Suit No. 4507 of 2022 (Smt. Saraswati Devi vs. Rajmani and others), expeditiously, within the time frame fixed by this Court.

Learned counsel for the petitioner submits that the suit in question has been filed for the relief of permanent injunction against the defendants/respondents. Along with the plaint of the aforesaid suit an application seeking temporary injunction (paper no. 6-C) has been filed with the prayer to restrain the respondents from changing the nature of the property and not to interfere in the peaceful possession of the plaintiff/petitioner.

The Additional Civil Judge, Court No. 19, Allahabad, vide order dated 12.01.2023, being of the view that the plaintiff/ petitioner was not entitled for ex parte injunction issued notices to the defendant/respondents requiring their presence.

Learned counsel for the petitioner submits that pursuant to the notices issued, the defendant/respondents have already put in appearance and filed their objections and written statement. Thereafter, various dates have been fixed but the interim injunction application (Paper No. 6-C) is not being considered and no orders have been passed till date. He submits that now 04.01.2024 has been fixed for consideration of the said application and there is

constant threat of dispossession of the petitioner from the disputed property and in such circumstances, the direction sought for expeditious disposal of the interim injunction application (6-C) is warranted.

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

From the order sheet of the proceedings, which have been brought on record, it is apparent that the defendants have put in appearance and have filed their written statements and the matter is being fixed for consideration of the interim injunction application.

Considering the urgency urged by the petitioner and taking note of the fact that the interim injunction application is pending consideration since 12.01.2023, this Court is of the opinion that the ends of justice would stand subserved if direction for expeditious disposal of interim injunction application (paper no. 6-C) is ordered.

Accordingly, present petition is ***disposed off*** by directing the learned Additional Civil Judge (Junior Division) Court No. 19, Allahabad, seized with the interim injunction application (paper no. 6-C) filed in Original Suit No. 4507 of 2022 (Smt. Saraswati Devi vs. Rajmani and others) and pass appropriate orders on the next date fixed i.e. 04.01.2024 or within three weeks from the date fixed upon service of certified copy of the order, strictly in accordance with law, without granting unnecessary adjournment to either of the parties.

Order Date :- 12.12.2023

Deepak/