

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11884 of 2023

Petitioner :- Brijnath Yadav

Respondent :- Anuj Garg

Counsel for Petitioner :- Manoj Kumar Pandey

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Manoj Kumar Pandey, learned counsel for the petitioner.
2. Considering the nature of the order that is proposed to be passed the notice upon the sole respondent is being dispensed with.
3. Present petition under Article 227 of the Constitution of India has been instituted for the direction to decide the Injunction Application registered as Paper No.7C2, filed in Original Suit No. 178 of 2023 (Anuj Garg vs. Brijnath Yadav) stated to be pending in the Court of Civil Judge (Junior Division), City Azamgarh since 04.02.2023, within a time frame fixed by this Court.
4. The petitioner is a defendant in the suit and has already filed his objections to the injunction application along with written statement. Learned counsel submits that the purpose of filing the present petition stand served if appropriate direction were issued to the Civil Judge (Junior Division) City Azamgarh seized with the interim injunction application (7C2), filed in the Original Suit No. 178 of 2023, to decide the same expeditiously within a time frame fixed by this Court. Learned counsel for the petitioner in order to buttress his submissions, has invited the attention of this Court to various orders passed by the Court concerned in the proceedings which have been brought on record as Annexure-3 to the petition.

5. Having heard learned counsel for the petitioner and having perused the record, the Court finds that a perusal of order-sheet of the trial court reflects that the case has been pending for consideration for disposal of the interim injunction application (7C2) and various dates have been fixed for the said purpose, however, no final orders have been passed. In the opinion of the Court, the petition can be disposed of by requiring the Civil Judge (Junior Division), City Azamgarh to conclude the proceedings expeditiously.

6. Accordingly, the petition is **disposed of** by requiring the Civil Judge (Junior Division) to decide the interim injunction application (7C2) filed in Original Suit No. 178 of 2023 stated to be pending since 04.02.2023, expeditiously preferably within a period of two months from the date of service of certified copy of the order of this Court strictly in accordance with law.

Order Date :- 23.11.2023

A. Tripathi