

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11848 of 2023

Petitioner :- Smt Rambha Devi

Respondent :- Smt Dharmwati Devi And Another

Counsel for Petitioner :- Ashok Kumar Yadav

Hon'ble Ashutosh Srivastava,J.

Heard Shri Ashok Kumar Yadav, learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Jr.Div.), Court No. 10, Deoria to decide Case No. 887 of 2007 (Rambha Devi versus Dharmawati Devi and another) stated to be pending since 31.5.2007, within the stipulated period of time fixed by this Court.

Though the aforesaid prayer has been made for expediting the entire suit proceedings, learned counsel for the petitioner during the course of the arguments has limited his relief for expeditious disposal of the interim injunction application (Paper No. 6C), within the time frame fixed by this Court.

Learned counsel for the petitioner to emphasis of his argument has invited attention of the Court to the order-sheet of the suit in question which has been brought on record as Annexure-2 to the petition to show that the interim injunction application has been pending since 31.7.2007. The defendants have already put in appearance and several dates were fixed for consideration of the interim injunction application. However, no orders have yet been passed. The order sheet further reveals that by order dated 9.1.2023, the suit itself was dismissed on the non appearance of the parties. However, the said order was recalled by order dated 10.7.2023 and matter is pending for disposal of the interim injunction application.

Heard learned counsel for the petitioner and perused the record.

This Court is of the opinion that present petition can be disposed of by directing the expeditious consideration of interim injunction

application.

Accordingly, the petition is ***disposed of*** by requiring the Civil Judge (Jr.Div.), Court No. 10, Deoria seized with the interim injunction application (Paper No. 6C) filed in Case No. 887 of 2007 (Rambha Devi versus Dharmawati Devi and another) to consider and pass appropriate orders on the same, expeditiously preferably within a period of two months from the date of service of certified copy of the order of this Court, in accordance with law.

Order Date :- 30.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)