

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11825 of 2023

Petitioner :- Krishnawati Devi

Respondent :- Lok Nath And Another

Counsel for Petitioner :- Sharad Kumar Pandey

Hon'ble Ashutosh Srivastava,J.

Learned counsel for the petitioner is permitted to make necessary correction in the prayer clause as well as in the body of the writ petition.

Heard Shri Sharad Kumar Pandey, learned counsel for the petitioner.

The present petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.7.2023 passed by the Civil Judge (Jr.Div.), Sharki, Allahabad in Original Suit No. 2573 of 2023 (Lok Nath and another versus Krishnawati). A further prayer to direct the Civil Judge (Jr.Div.), Sharki, Allahabad to decide the objection filed against the interim injunction application within the time frame fixed by this Court has been prayed for.

It is the case of the petitioner that the petitioner had applied to the Executive Engineer, Electricity Distribution, U.P. Power Corporation Limited for grant of electricity connection for running Tubewell after depositing a sum of Rs.20,077/-. It is submitted that there is already an electricity connection existing in Plot No. 37 and the connection applied for, was required to be provided from the electricity pole existing over the said plot No. 37 belonging to the respondents. It is further submitted that a suit, being Suit No. 2573 of 2023 was instituted by the plaintiff-respondents seeking injunction against the petitioner for restraining him to seek electric connection from the pole installed over Plot No. 37 stated to be belonging to the plaintiff-respondents.

The Trial Court on an exparte motion by order dated 14.7.2023 has granted the injunction prayed for against the petitioner. The petitioner has filed objections and has further sought recall of the aforesaid order dated 14.7.2023, which application/objections is stated to be pending. It is also submitted that suit has been fixed

for 16.12.2023. He, thus, submits that a direction be issued to the Civil Judge (Jr.Div.), Sharki, Allahabad seized with the proceedings of the Original Suit No. 2573 of 2023 to consider the objections filed by the petitioner against the order dated 14.7.2023 on the next date fixed i.e. 16.12.2023.

Having heard learned counsel for the petitioner and having perused the record, this Court finds that the petition can be disposed of by requiring the learned Civil Judge (Jr.Div.), Sharki, Allahabad to consider and pass appropriate orders on the interim injunction application filed by the plaintiff-respondents in the aforesaid suit, taking into consideration the objections filed by the petitioners on 25.8.2023 along with written statement, preferably on the next date fixed in the suit and if it is not possible, by fixing short dates. All endeavour shall be made to decide the interim injunction application within a period of 45 days from the date of service of certified copy of the order of this Court, strictly, in accordance with law.

With the aforesaid observation, the writ petition stands ***disposed of***.

Order Date :- 22.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)