

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12010 of 2023

Petitioner :- Smt. Sangeeta Devi

Respondent :- Ramanand And 3 Others

Counsel for Petitioner :- Abbas Khan

Hon'ble Ashutosh Srivastava,J.

Heard Sri Ran Vijay under the authority of Sri Abbas Khan, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed, the notice on the respondent is being dispensed with.

The present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Civil Judge (Junior Division), Maharajganj, to decide the interim injunction application (paper No.6-C) filed in Suit No.940 of 2021 (Ramanand Vs. Sangeeta and others) stated to have been pending since 7.10.2021.

Learned Counsel for the petitioner submits that the petitioner is defendant in the said Suit which has been filed for permanent injunction in respect of Arazi No.749, Area 0.1780 Hectare situated in Village Pataregava, Tehsil Sadar, District Maharajganj.

The Trial Court vide order dated 9.2.2022 without hearing the petitioner passed an order directing the parties to maintain status-quo. The said order is being extended from time to time. The defendant has put in appearance and filed objection to the interim injunction application. However, the interim injunction application is not being considered and status-quo order is being extended on the date fixed. He submits that the purpose of filing the present petition would stand served if an appropriate direction is issued to Civil Judge (Junior Division), Maharajganj, seized with the interim injunction application (paper No.6-C) filed in Suit No.940 of 2021 (Ramanand Vs. Sangeeta and others) to decide the same expeditiously within the time framed fixed by this Court.

Learned Counsel for the petitioner in order to buttress his submission has invited the attention of this Court to various orders passed by the court below, which have been filed as Annexure-2 to the writ petition, which demonstrate that temporary injunction granted vide order dated 9.2.2022 is being extended. However, application under Section 6-C, which is pending consideration, is

not being addressed.

In view of the above, this petition is **disposed of** by requiring the Civil Judge (Junior Division), Maharajganj, to pass appropriate orders on 6-C application stated to have been pending since 7.10.2021 taking into consideration the objection filed by the petitioner within 2 months from the date of service of a certified copy of this order before him.

Order Date :- 28.11.2023

Irshad