

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12060 of 2023

Petitioner :- Rajendra Prasad Singh And Another

Respondent :- Guru Prasad And 7 Others

Counsel for Petitioner :- Vijay Kumar

Hon'ble Ashutosh Srivastava,J.

Heard Shri Vijay Kumar, learned counsel for the petitioners.

Considering the nature of the order that is proposed to be passed the notice upon the private respondents/ defendants is being dispensed with.

By means of the present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Civil Judge (Junior Division) Chunar, Mirzapur, to decide Original Suit No. 29 of 2019 (Rajendra Prasad and another vs. Guru Prasad & others) pending since the year 2019, expeditiously, within a stipulated time fixed by this Court.

The petitioners are plaintiffs in a suit, bearing No. 29 of 2019 (Rajendra Prasad and another vs. Guru Prasad and others), instituted for the relief of permanent injunction against the defendants/ respondents, for restraining the defendants/respondents from interfering in peaceful possession of the plaintiffs/ petitioners over Arazi No. 142/6 area 0.038 Hectare, Arazi No. 142/6 area 0.019 Hectare, Arazi No. 144/3 area 0.177 Hectare, situate in Mauja-Dargah Sharif, Pargana-Haveli, Tehsil-Chunar, District-Mirzapur.

Learned counsel for the petitioner submits that interim injunction application (6-C), filed along with the aforesaid Suit, is pending consideration and the purpose of filing the present petition would stand served if appropriate directions are issued to the learned Civil Judge (Junior Division) Chunar, Mirzapur, seized with the Original Suit No. 29 of 2019 (Rajendra Prasad and another vs. Guru Prasad & others), to consider and pass appropriate orders on the pending interim injunction application (6-C) within a time frame fixed by this Court.

This Court has perused the order sheet of the proceedings, annexed along with the petition as annexure no. 4.

In view of the above, this Court is of the opinion that the petition under Article 227 can be disposed of by requiring the Civil Judge (Junior Division) Chunar, Mirzapur, seized with the 6-C application, filed in Original Suit No. 29 of 2019 (Rajendra Prasad and another vs. Guru Prasad & others), to consider and pass appropriate orders on the same, expeditiously, preferably, within a period of three months from the date of service of certified copy of the order of this Court.

With the aforesaid observations the writ petition is ***disposed of***.

Order Date :- 4.12.2023

Deepak/