

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11861 of 2023

Petitioner :- Smt. Menaka

Respondent :- Rajendra Kumar Yadav

Counsel for Petitioner :- Arun Kumar Gupta, Mukul Pandey, Saurabh Anand Mishra

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Anil Kumar Sharma under the authority of Sri Arun Kumar Gupta, learned counsel for the petitioner.
2. Present petition, under Article 227 of the Constitution of India, has been filed for expeditious disposal of Original Suit No.536 of 2022 (Smt. Menaka Vs. Rajendra Kumar Yadav) pending before the Civil Judge (Junior Division), Judicial Magistrate, Naugarh, Siddharthanagar.
3. However, during the course of arguments, learned Counsel for the petitioner has confined his prayer to dispose of the interim injunction application which is stated to be pending in the said Suit since 29.7.2022.
4. Learned Counsel for the petitioner has invited the attention of this Court to the order-sheet of the proceedings, annexed as Annexure-2 to the petition, to demonstrate that notices were issued to the defendant requiring his presence in the Suit as well as interim injunction application (paper no.7-C-2).
5. Learned Counsel for the petitioner submits that the various dates have been fixed but the interim injunction application has not been decided. He submits that now 14.12.2023 has been fixed for its consideration.
6. Having heard learned Counsel for the petitioner and having perused the record, this Court is of the opinion that this petition can be disposed of by requiring the Civil Judge (Junior Division), Judicial Magistrate, Naugarh, Siddharthanagar, to consider and pass appropriate order on the interim injunction application (paper no.7-C-2) expeditiously.

7. Accordingly, this petition is ***disposed of*** by requiring the Civil Judge (Junior Division), Judicial Magistrate, Naugarh, Siddharthanagar, seized with interim injunction application (paper no.7-C-2) filed in Original Suit No.536 of 2022 (Smt. Menaka Vs. Rajendra Kumar Yadav) to consider and pass appropriate order on the date fixed or within one month from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 1.12.2023

Irshad