

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11945 of 2023

Petitioner :- Surya Pal

Respondent :- Shiv Prasad And 3 Others

Counsel for Petitioner :- Dhanraj Singh Yadav

Hon'ble Ashutosh Srivastava,J.

Heard Sri Dhanraj Singh 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.

The present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Junior Division) Fatehpur to decide the Case No.77 of 2022 (Shiv Prasad and another vs. Surya Pal and others) within the time frame fixed by this Court.

However, during the course of arguments, learned counsel for the petitioner has confined his relief for expeditious disposal of the interim injunction which is stated to be pending since institution of the suit i.e. 15.2.2022. He further submits that various dates have been fixed for consideration of the said application but for the reasons unknown, application is not being disposed of even though the service upon the respondents have been held to be sufficient and hearing in the proceeding is going on.

I have heard the learned counsel for the petitioner and perused the record.

Considering the totality of the circumstance, this Court is of the opinion that no useful purpose would be served by keeping the petition pending and the same is accordingly disposed of by requiring the Civil Judge (Junior Division) Fatehpur, seized with the interim injunction application dated 15.02.2022, filed in Case No.77 of 2022 (Shiv Prasad and another vs. Surya Pal and others) to take up the same and pass appropriate order thereon, expeditiously, preferably within a period of two months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 2.12.2023 m.a.