

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11875 of 2023

Petitioner :- Smt. Sheela Devi And 3 Others

Respondent :- Ramraj

Counsel for Petitioner :- Mukesh Kumar

Hon'ble Ashutosh Srivastava,J.

Heard Shri Mukesh Kumar, learned counsel for the petitioner.

The petitioners are plaintiffs in a suit, bearing No. 453 of 2022 (Smt. Sheela Devi and others vs. Ramraj), for permanent injunction against the defendant/ respondent, for restraining the defendant respondent from interfering in possession of the plaintiffs and not to alienate the Gata Nos. 172, 173, 174, 345 M, 346, 347/1 347/2/347/3, 347/4, 348M, 352, 344 M, 349 M and 344 M, situate in village Rampur Dararpur, Pargana Pahara, Tehsil-Sadar, District-Farrukhabad.

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) City, Farrukhabad, seized with the suit no. 453 of 2022 (Smt. Sheela Devi and others vs. Ramraj), 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. 2.

Considering the nature of the order that is proposed to be passed the notice upon the private respondent/ defendant in the suit is being dispensed with.

A perusal of the order sheet, particularly the order dated 13.10.2022, reveals that the learned Civil Judge had refused to grant ex-parte interim injunction, in favour of the petitioners and issued notices to the defendants therein on 6-Ga-2 Application and

fixed 23.11.2022 for filing written statement and for framing issues on 30.11.2022 directing the Amin to conduct spot inspection and submit his report. From perusal of order sheet it reveals that the hearing of the 6-C Application is being lingering on, on one pretext of other. Consequently, the disposal of the interim injunction application is unnecessarily being delayed.

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) City, Farrukhabad, seized with the 6-C application, filed in Suit No. No. 453 of 2022 (Smt. Sheela Devi and others vs. Ramraj), to consider and pass appropriate orders on the same, expeditiously, preferably, within a period of two month 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 :- 23.11.2023

Deepak/