

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12286 of 2023

Petitioner :- Beby

Respondent :- Urmila And 3 Others

Counsel for Petitioner :- Ashok Kumar Gupta

Hon'ble Ashutosh Srivastava,J.

Heard Shri Ashok Kumar Gupta, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notice upon the respondent nos. 1 to 4 is dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed by the petitioner for a direction to the Civil Judge (Junior Division), Shahganj, District-Jaunpur, to decide the Suit No. 1197 of 2018 (Urmila Vs. Beby & others), within a stipulated period.

Learned counsel for the petitioner submits that the petitioner who is a defendant in the aforesaid suit has put in appearance and filed written statement as also objections to the interim injunction application. He further submits that the Trial Court vide order dated 25.09.2018 has granted ex parte injunction in favour of the plaintiff, which order is being extended time after time despite the fact that the petitioner had already filed objections to the interim injunction application. He further submits that the purpose of filing the present petition would stand served if directions are issued to the Court concerned for expeditious disposal of the interim injunction application finally.

Learned counsel for the petitioner has invited the attention of this Court to the order sheet of the proceedings, which has been brought on record as Annexure no. 3 to the petition, which demonstrates that the ex parte temporary injunction, granted by the trial Court, vide order dated 25.09.2019 is operating even today. The order sheet reflects that on several dates, particularly the order dated 14.02.2022, the plaintiff has been directed to advance arguments on 6-C application and thereafter several dates have been fixed for final consideration on 6-C application and the temporary injunction granted is being extended.

Having heard learned counsel for the petitioner and having perused the record this Court is of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly **disposed of** by requiring the Civil Judge (Junior Division), Shahganj, District-Jaunpur, seized with the interim injunction application 6-C, filed in Civil Suit No. 1197 of 2018 (Urmila Vs. Beby

and others) to proceed with the hearing of the said application and pass final orders, within a period of three months from the date of service of certified copy of the order of this Court, without granting unnecessary adjournments to either of the parties, strictly in accordance with law.

Order Date :- 2.12.2023

Deepak/