

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11867 of 2023

Petitioner :- Subhash Chandra

Respondent :- Rama Shankar

Counsel for Petitioner :- Bipin

Hon'ble Ashutosh Srivastava,J.

Heard Shri Bipin Shukla, learned counsel for the petitioner.

This petition, under Article 227 of the Constitution of India, has been filed by the petitioner for a direction to the Additional Civil Judge, (Junior Division), Court No. 17, Allahabad, to decide the interim injunction application 6-C dated 13.07.2022 filed by the plaintiff/petitioner along with Suit No. 3015 of 2022, within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the petitioner is a plaintiff in a suit for specific performance being Suit No. 3015 of 2022, which has been instituted on 13.07.2022. He further submits that along with the aforesaid suit an application for interim injunction registered as paper No. 6-C has been filed on which initially notices were issued and in compliance thereof the defendant has put in appearance. The trial Court seized with the application has already recorded satisfaction of service of the defendants. However, despite passage of considerable time the interim injunction application, paper No. 6-C, dated 13.07.2022, has not been disposed of and there is a threat looming over the petitioner that the defendant would either mortgage the property or transfer it to somebody else. He thus submits that the purpose of filing the present petition would stand served if directions are issued to the Additional Civil Judge (Junior Division) Court No. 17, Allahabad, seized with the interim injunction application (Paper No. 6-C) dated 13.07.2022 to consider and pass appropriate orders thereon within the time frame fixed by this Court.

Having heard learned counsel for the petitioner and having perused the record the Court deems it appropriate to dispose of the petition by requiring the Additional Civil Judge (Junior Division) Court No. 17, Allahabad, seized with the interim injunction application (6-C) dated 13.07.2022 to consider and pass appropriate orders thereon on the next date fixed or within two months from today, strictly in accordance with law.

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

Order Date :- 23.11.2023

Deepak/