

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12245 of 2023

Petitioner :- Bandana Pathak

Respondent :- Jaijai Pandey And 24 Others

Counsel for Petitioner :- Anand Kumar Pandey

Hon'ble Ashutosh Srivastava,J.

Heard Sri Anand Kumar Pandey, 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) Ballia to decide the interim injunction application 6C-2 dated 29.10.2021 within the time frame fixed by this Court.

Learned counsel for the petitioner submits that the suit was instituted on 29.10.2021 and by the order dated 29.10.2021, notices were issued to the defendants requiring their presence to file objections to the interim injunction application.

From perusal of the order sheet brought on record as Annexure-5 to the petition reveals that pursuant to the notices issued to the respondents they have put in appearance in the proceedings and respondent no.5 also filed objection to the interim injunction application. However, the remaining defendants-respondents have not filed objections and the respondents were directed to appear for the next date for consideration of 6C-2 application. Thereafter, various dates have been fixed but the the interim injunction application 6C-2 has not been disposed of till date. It is, accordingly, prayed that the purpose of filing present writ petition shall stands served if the appropriate directions are issued to the Civil Judge (Junior Division) Ballia to expedite the hearing of the interim injunction application, within the time frame fixed by this Court.

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) Ballia, seized with the interim injunction application dated 29.10.2021, filed in Original Suit No.2077 of 2021 (Bandana Pathak vs. Mangaldev and another) 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.