

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11952 of 2023

Petitioner :- Mahendra Singh

Respondent :- Tejkumar And 3 Others

Counsel for Petitioner :- Ravi Agrawal

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Ravi Agrawal, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed with the limited prayer for a direction to the Civil Judge (Senior Division), Muzaffarnagar, to consider and decide the petitioner's interim injunction application (paper no.6-C) filed in Civil Suit No. 508 of 2023 (Mahendra Singh Vs. Tej Kumar and others) within the stipulated time frame fixed by this Court.
4. Learned Counsel for the petitioner Sri Ravi Agrawal submits that the Suit for permanent injunction was instituted on 19.7.2023 and the court concerned being of the view that temporary injunction should not be granted ex-parte, issued notice to the defendant requiring their presence in the proceedings. In pursuance to the notice issued, the defendants have put in appearance and on the date fixed for consideration of application (paper no.6-C), they are continuously seeking adjournments. The Court concerned is also granting adjournments to the defendants and on account of indulgence so granted by the trial court, the petitioner- plaintiff is suffering great hardship. He submits that a direction be issued for expeditious disposal of application (paper no.6-C).
5. Having heard learned Counsel for the petitioner and having perused the record, particularly the order-sheet of the proceedings which have been brought on record as Annexure-2 to the petition, this Court finds that in pursuance to the notice issued by the Civil Judge (Senior Division), Muzaffarnagar, on the application (paper no.6-C), the defendants have already put in appearance and are seeking adjournment on the date fixed in the matter. It has been

submitted at the Bar that the plaintiff-petitioner has also preferred an application for expediting the hearing on the 6-C application (being paper no.20-C), which too has been directed by the court concerned to be put up on the next date fixed. It is further submitted that now the date fixed in the matter is 15.12.2023.

6. Having heard learned Counsel for the petitioners and having perused the record, this petition is disposed off by requiring Civil Judge (Senior Division), Muzaffarnagar, to take up the petitioner's interim injunction application (paper no.6-C) filed in Civil Suit No. 508 of 2023 (Mahendra Singh Vs. Tej Kumar and others) and consider the said application and pass appropriate order on the next date fixed in the matter or within a period of one month from the date of production of certified copy of order of this Court without granting any unnecessary adjournment, strictly in accordance with law.

Order Date :- 2.12.2023

Irshad