

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12066 of 2023

Petitioner :- Smt. Saraswati

Respondent :- Smt. Parwati Devi

Counsel for Petitioner :- Pradeep Kumar Pal

Hon'ble Ashutosh Srivastava,J.

Heard Shri Pradeep Kumar Pal, learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India, has been filed with limited prayer for a direction to the Civil Judge (Junior Division)/ FTC, Kanpur Nagar, to decide the Application, moved by the plaintiff/petitioner on 19.09.2023, paper no. 45-C, under Order 39 Rule 1 and 2 read with Section 151 CPC, in Suit No. 1434 of 2018 (Sarswati Vs. Parwati) forthwith.

Learned counsel for the petitioner submits that the plaintiff/petitioner was constrained to file a suit for permanent prohibitory injunction in the Court of Civil Judge/ FTC (Junior Division), Kanpur Nagar, bearing Original Suit No. 1434 of 2018, since the defendant, mother in law of the plaintiff was intending to forcibly evict the petitioner from the house and she was intending to sell out the house in question in which the petitioner has been residing at the behest of her sister in law (nand). During the pendency of the Original Suit, the defendants respondents started negotiation with several persons as well as brokers just to get the house in question sold. Faced with the above situation the petitioner has moved an application under Section under Order 39 Rule 1 and 2 read with Section 151 CPC, on 19.09.2023, registered as Paper no. 45-C to protect the property from its alienation by the defendant/respondent, during the pendency of the suit.

Heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner submits that the aforesaid application is pending since 19.09.2023 and the purpose of filing

present petition shall stand served if appropriate directions are issued to the Civil Judge (Junior Division)/ FTC, Kanpur Nagar, to conclude and decide the Application, moved by the plaintiff/petitioner on 19.09.2023, paper no. 45-C, under Order 39 Rule 1 and 2 read with Section 151 CPC, in Suit No. 1434 of 2018 (Sarswati Vs. Parwati), within the time frame fixed by this Court.

Considering the urgency as pressed by the petitioner, the present petition is ***disposed of*** by requiring the Civil Judge (Junior Division)/ FTC, Kanpur Nagar, to conclude and decide the Application, moved by the plaintiff/petitioner on 19.09.2023, paper no. 45-C, under Order 39 Rule 1 and 2 read with Section 151 CPC, in Suit No. 1434 of 2018 (Sarswati Vs. Parwati), to proceed and pass appropriate orders on the said application, expeditiously, preferably on the next date fixed or within two months from the date fixed upon service of certified copy of the order of this Court, strictly, in accordance with law.

Order Date :- 4.12.2023

Deepak/