

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12151 of 2023

Petitioner :- Radheshyam

Respondent :- Amarnath And 8 Others

Counsel for Petitioner :- Maneesh Mani Tripathi, Anjani Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava, J.

Heard Shri Shivendra Raj Singhal, Advocate, under the authority of Shri Anjani Kumar, learned counsel for the petitioner.

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

The present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Civil Judge (Junior Division) Varanasi, to decide the Original Suit No. 511 of 2011 (Radheshyam Vs. Amarnath & others) within the time frame fixed by this Court.

Although, the prayer for expeditious disposal of the Original Suit No. 511 of 2011 has been prayed for, learned counsel for the petitioner, during the course of argument has confined the relief for disposal of interim injunction application, registered as Paper No. 6-C.

Learned counsel for the petitioner has invited the attention of this Court to the order sheet of the Suit which has been brought on record, as Annexure 2 to the petition, particularly to the order dated 30.08.2011 under which notices were issued on the 6-C application and pursuant to the notices issued on 6-C application, the defendants have already put in appearance and filed their written statements.

It is not borne out from the order sheet as to whether the defendants have filed objections to the 6-C application.

Learned counsel for the petitioner submits that the defendants are making all attempts to interfere with the peaceful possession of the petitioner over the suit property and in such circumstances it has become necessary to press the interim injunction application.

Having heard learned counsel for the petitioner and having perused the record, the Court is of the opinion that the petition can be disposed of by directing the expeditious disposal of the interim injunction application, Paper No. 6-C, which is stated to be pending since institution of the Suit.

Accordingly, the petition is ***disposed off*** by requiring the Civil Judge (Junior Division) Varanasi, seized with the interim injunction application 6-C, filed along with Original Suit No. 511 of 2011 (Radheshyam Vs. Amarnath & others) to take up the same and pass appropriate orders, expeditiously, preferably on the next date fixed, or within two months from the date fixed in the suit.

Order Date :- 30.11.2023

Deepak/