

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12102 of 2023

Petitioner :- Smt. Tahira Bibi

Respondent :- Madaran And 12 Others

Counsel for Petitioner :- Satyendra Kumar Singh

Hon'ble Ashutosh Srivastava,J.

Heard Shri Satyendra Kumar Singh, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notices upon the respondent nos. 1 to 13 is dispensed with.

The petitioner, by means of the present petition, under Article 227 of the Constitution of India, seeks direction to the learned Additional Civil Judge (Junior Division), Court No. 5, Varanasi, to decide the interim injunction application (6-C) filed along with Original Suit No. 13 of 2021 (Madaran Vs. Tahira Bibi and others) within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the respondent no. 1 has instituted the suit for permanent injunction to the effect that the defendants/ respondent nos. 2 to 12 may not interfere in Arazi No. 27 Kha, area-0.060 Hectare, situate in village-Parjanpur, Pargana-Kaswar, Sarkari, Tehsil-Sadar, District-Varanasi, on the strength of Khuski Bainama dated 25.12.1996. It is contended that the trial Court on the 6-C Application issued notices where after the petitioner has put in appearance and filed her objections to 6-C application and also her Written Statement in response to the plaint. Thereafter, various dates had been been fixed for consideration of the 6-C application. However, no order has yet been passed.

It is contended that the plaintiff/respondent on the strength of the pendency of the suit is interfering with the physical possession of the suit property so far as the petitioner is concerned. Under these circumstances the petitioner approached this Court for expeditious disposal of the interim injunction (6-C) Application.

The Court has heard learned counsel for the petitioner and has perused the record.

From the perusal of the order sheet annexed as Annexure no. 3 to the petition, it is borne out that the defendants has already put in appearance in the proceedings and has also filed objection to 6-C application and thereafter the dates are being fixed for hearing on 6-C application.

Considering the totality of the circumstances, this Court is of the opinion that the petition can be disposed of by requiring the learned Additional Civil Judge (Junior Division), Court No. 5, Varanasi, to consider and decide the interim injunction application (6-C) filed in Original Suit No. 13 of 2021 (Madaran Vs. Tahira Bibi and others), expeditiously, preferably on the next date fixed or within two months, from the next date fixed, without granting unnecessary adjournment to either of the parties, strictly in accordance with law.

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

Order Date :- 29.11.2023

Deepak/