

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12104 of 2023

Petitioner :- Sankatha Prasad

Respondent :- Ratan Lal And 2 Others

Counsel for Petitioner :- Shailesh Kumar Tripathi

Hon'ble Ashutosh Srivastava,J.

Heard Shri Shailesh Kumar Tripathi, learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Junior Division)/Fast Track Court, Varanasi, to decide the Original Suit No. 947 of 2014 (Sankatha Prasad vs. Ratan Lal and others). A further prayer to direct the defendants/respondents not to interfere in the peaceful possession of the plaintiff/petitioner over his share of the property of Arazi No. 157, area 10 and half Biswa, situate at Village-Madauli, Pargana-Dehat Amanat, Tehsil and District-Varanasi, has also been prayed for.

Though, the above prayers have been made in the petition, learned counsel for the petitioner during the course of arguments has confined his prayer for expeditious disposal of the interim injunction application, registered as Paper No. 6-C, which is stated to be pending since 10.09.2014, to be decided expeditiously, within a time frame fixed by this Court.

In order to buttress his arguments, learned counsel for the petitioner has invited the attention of this Court to the order sheet of the proceedings, filed as Annexure No. 2 to the petition, to show that the Trial Court vide its order dated 10.09.2014 had directed for issuance of notice on 6-C application. All the defendants put in appearance in the proceedings and also filed their objections to the 6-C application. However, even after passing of near about 9 years, the interim injunction application is not being decided. It is further contended that considering the urgency in the matter, the petitioner has filed another application under Order 39 Rule 1 read with Section 151 CPC highlighting the factum that the defendants are

intending to grab the share of the property which is fallen in the share of the plaintiff/ petitioner. The said application has been filed on 06.11.20223.

Heard learned counsel for the petitioner and perused the record.

From perusal of the order sheet, it is borne out that defendants/ respondents, herein, have already put in their appearance consequent to the notices issued by the Court concerned, vide order dated 10.09.2014, and have filed their objections to the interim injunction application. However, though various dates have been fixed but even after 9 years the interim injunction application has not been decided. In such view of the matter, this Court is of the opinion that it is a fit case in which the direction for expeditious disposal of interim injunction application (6-C) can be issued.

In view of the above the petition is ***disposed of*** by requiring the Civil Judge (Junior Division)/Fast Track Court, Varanasi, seized with the temporary injunction application (6-C) dated 09.04.2014, filed in Original Suit No. 947 of 2014 (Sankatha Prasad vs. Ratan Lal and others), to consider and pass appropriate orders thereon, 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.

Order Date :- 29.11.2023

Deepak/