

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12220 of 2023

Petitioner :- Ramji Singh

Respondent :- Hridayanand And 15 Others

Counsel for Petitioner :- Chandra Prakash Misra,Prakash Sharma

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Chandra Prakash Misra, 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 seeking direction to the Civil Judge (Jr.Div.), Kasya, Kushinagar to decide the Suit No. 1104 of 1999 (Hridayanand and others versus Jagdish & others) within the time frame fixed by this Court.
4. Learned counsel for the petitioner submits that the suit filed by the respondent/plaintiff is pending considering since 1999 and Court below on 16.7.2001 has granted interim injunction in the favour of the respondent/plaintiff and directed both the parties to maintain status quo over the disputed property. Learned counsel for the petitioner submits that on account of injunction order, the plaintiff is enjoying the fruits of interim injunction and creating hindrance in disposal of the suit. Learned counsel for the petitioner submits that purpose of filing present writ petition shall stands served if the appropriate directions are issued to the Civil Judge (Jr.Div.), Kasya, Kushinagar to conclude and decide the Original Suit pending since 1999, within the time frame fixed by this Court.
5. Considering the fact that the aforesaid Original Suit for permanent injunction, is pending consideration, before the Civil Judge (Jr.Div.), Kasya, Kushinagar is pending since 1999, this Court is also of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly ***disposed of*** by requiring the Civil Judge (Jr.Div.), Kasya, Kushinagar, seized with the Suit No. 1104 of 1999 (Hridayanand and others versus Jagdish & others) to consider and decide the case

expeditiously, preferably within a period of one year from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 1.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)