

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12270 of 2023

Petitioner :- Shashank Singh And 2 Others

Respondent :- Nagar Nigam Mathura Vrindavan

Counsel for Petitioner :- Santosh Kumar Singh

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Santosh Kumar Singh, learned counsel for the petitioners.
2. Considering the nature of the order proposed to be passed notice upon the sole defendant-respondent is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Senior Division), Mathura, to consider and decide the interim injunction application (paper no.7-C) filed by the plaintiffs-petitioners in Original Suit No. 499 of 2022 (Shashank Singh and others Vs. Nagar Nigam Mathura Vrindavan) within the stipulated time frame fixed by this Court.
4. Learned counsel for the petitioners submits that the petitioners have filed a Suit for permanent injunction restraining the respondent not to interfere in the peaceful possession of the petitioners over the disputed land. Along with the plaint of the aforesaid Suit, the petitioners preferred an application for interim injunction (paper no.7-C). The trial court vide order dated 7.7.2022 issued notice upon the respondent fixing 30.7.2022. The respondent - Nagar Nigam Mathura Vrindavan has already put in appearance in the proceedings and filed their written statement. However, the temporary injunction application (paper no.7-C) has not been taken up for consideration and the same remains pending. He submits that the purpose of filing the present petition would stand served if appropriate direction is issued to the court concerned for expeditious disposal of the interim injunction application (paper no.7-C).
5. I have heard learned Counsel for the petitioners and perused the record.

6. From the order-sheet that has been brought on record, it is apparent that the interim injunction application (paper no.7-C) filed by the petitioners-plaintiffs in the Suit, which is pending consideration since its filing i.e. 27.7.2022. Though the sole respondent has already put in appearance, the matter is being fixed for consideration of the interim injunction application but no order has yet been passed.

7. Considering the totality of the circumstances and taking note of the fact that more than a years has elapsed and the interim injunction application has not been considered, this Court is of the opinion that the petition can be disposed of by directing expeditious disposal of the interim injunction application.

8. Accordingly, this petition is ***disposed of*** by requiring the Civil Judge (Senior Division), Mathura, to consider and decide the interim injunction application (paper no.7-C) filed by the plaintiffs-petitioners in Original Suit No. 499 of 2022 (Shashank Singh and others Vs. Nagar Nigam Mathura Vrindavan) expeditiously, preferably within a period of 2 months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 2.12.2023

Irshad