

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12197 of 2023

Petitioner :- Smt. Chandrawati

Respondent :- Smt. Mala Devi And 5 Others

Counsel for Petitioner :- Dinesh Mishra, Anil Kumar Mishra

Hon'ble Ashutosh Srivastava, J.

Heard Shri Dinesh Kumar Mishra, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed 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 Additional Civil Judge (Junior Division) Kaushambi, to expedite the proceedings of the Original Suit No. 422 of 2017 (Smt. Chandrawati vs. Smt. Mala Devi and others) within a stipulated period, fixed by this Court. A prayer, to direct the parties to maintain status quo, till disposal of the petition and further sale of property may be prohibited, have also been prayed for.

Though, the relief for expeditious disposal of the Suit has been prayed for, during the course of argument learned counsel has limited his prayer for disposal of interim injunction application paper no. (6-C).

Learned counsel for the petitioner has invited the attention of this Court to the order sheet, brought on record as annexure no. 7 to the petition, particularly to the order dated 29.08.2023, whereby the opportunity to file written statement and objections to the 6-C application has been closed and the matter has been fixed for disposal of the 6-C application.

Learned counsel for the petitioner submits that various dates thereafter have been fixed for ex parte hearing of 6-C application. However, no orders have been passed till date. He submits that next date fixed in the matter is 03.01.2024.

Having heard learned counsel for the petitioner and having perused the record, the Court is of the opinion that this is fit case in which

direction for expeditious disposal of the interim injunction (6-C) application can be ordered.

Accordingly, the petition is ***disposed off*** by requiring the Additional Civil Judge (Junior Division) Kaushambi, seized with the interim injunction application (6-C) filed along with Original Suit No. 422 of 2017, to conclude and decide the interim injunction application (6-C) expeditiously, preferably, on the next date fixed or within two weeks from the date fixed, strictly in accordance with law.

Order Date :- 1.12.2023

Deepak/