

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12261 of 2023

Petitioner :- Devendra Patel And Another

Respondent :- Hariom And Another

Counsel for Petitioner :- Abhishek Tiwari, Atul Khaneja

Hon'ble Ashutosh Srivastava, J.

Heard Sri Abhishek Tiwari, learned counsel for the petitioners.

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

The present petition, under Article 227 of the Constitution of India, has been filed for expeditious disposal of the application for interim injunction, under Order 39 Rule 1/2 CPC being Paper No.8C dated 6.12.2022 filed in Original Suit No.836 of 2022 (Devendra Patel and another vs. Hariom and another) within the time frame fixed by this Court.

Learned counsel for the petitioners has invited the attention of this Court to the order sheet of the case which has been brought on record as Annexure-3 to the petition to demonstrate that by order dated 8.12.2022, notices were issued on the interim injunction application, Paper No.8C, requiring the presence of the defendants for consideration of the interim injunction application and pursuant to the notices issued, the defendants have put in their appearance as reflected from the order-sheet dated 8.12.2022, on which date, last opportunity for filing reply was extended. The subsequent dates on the non-appearance of the defendants, the proceedings were directed to proceed exparte. He further submits that various dates have been fixed for consideration of the interim injunction application, however, no orders have yet been passed and the purpose of filing present writ petition shall stands served if the appropriate directions are issued to the Civil Judge (Senior Division) Mathura to consider and pass appropriate order thereon, within the time frame fixed by this Court.

I have heard the learned counsel for the petitioners and perused the record.

From perusal of the record, it is born out that the suit has been

ordered to proceed exparte against the defendants and various dates have been fixed for consideration of the interim injunction application but no orders have yet been passed.

Considering the totality of the circumstance, this Court is of the opinion that the petition can be **disposed of** by requiring the Civil Judge (Senior Division) Mathura, seized with the interim injunction application, Paper No.8C to consider and pass appropriate orders on the same on the next date fixed in the suit within a period of three months from the date so fixed upon service of certified copy of the order of this Court, in accordance with law without granting unnecessary adjournment to either of the parties.

Order Date :- 2.12.2023

m.a.