

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12182 of 2023

Petitioner :- M/S Bhagwati Villas Pvt. Ltd. Bvpl

Respondent :- Bhim Sen Sharma And 3 Others

Counsel for Petitioner :- Ashutosh Kumar Tripathi, Vijaya Nand Maurya

Hon'ble Ashutosh Srivastava, J.

Heard Shri Ashutosh Kumar Tripathi, 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 learned Civil Judge (Senior Division), Jhansi, to decide the application for temporary injunction (6-C) filed in Original Suit No. 79 of 2022 (M/s Bhagwati Villas Pvt. Limited Vs. Bhim Sen Sharma and others) which is stated to be pending since 2022.

Learned counsel for the petitioner submits that the Court below, while entertaining the Original Suit and the application for Temporary Injunction, by order dated 14.03.2022, issued notices to the defendants being of the view that the Interim Injunction application can be considered only after appearance of the defendants. Thereafter, various dates have been fixed for appearance of the defendants and the defendants have appeared and filed their objections to the said application. However, dates are being fixed but no final orders have yet been passed by the Court concerned.

Learned counsel for the petitioner submits that the pendency of the interim injunction application is affecting the rights of the plaintiff and he is suffering irreparable loss and hardship and the purpose of filing present petition shall stand served if the appropriate directions are issued to the Civil Judge (Senior Division), Jhansi, for expeditious disposal of the of the interim injunction application.

I have heard learned counsel for the petitioner and perused the

record.

From the order sheet, brought on record as Annexure no. 4 to the petition, it is borne out that the defendants have appeared and have filed objections to the injunction application. However, dates are being fixed for consideration on the said application. Order sheet also reflects that the Presiding Officer is not holding the Court.

Learned counsel for the petitioner submits that as per his information the Presiding Officer has now assumed the charge of the Court and is in *seisin* of the proceedings. However, the learned counsel for the petitioner is unable to indicate the next date fixed in the matter.

In the totality of the circumstances, this Court is of the opinion that the petition can be disposed of by requiring the Civil Judge (Senior Division), Jhansi, seized with the Interim Injunction Application (6-C), filed along with the Original Suit No. 79 of 2022, to take up and decide the same, expeditiously, preferably on the next date fixed or within two months from the date fixed, strictly, in accordance with law.

With the aforesaid observations the petition is ***disposed off***.

Order Date :- 1.12.2023

Deepak/