

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12739 of 2023

Petitioner :- Shailesh Kumari

Respondent :- Sanjeev Kumar And 4 Others

Counsel for Petitioner :- Ajay Kumar

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Ajay Kumar, learned counsel for the petitioner.
2. Considering the nature of the order that is proposed to be passed, the service of notice upon respondent is being dispensed with.
3. The present petition under Article 227 of the Constitution of India has been filed for a direction to the Civil Judge (Junior Division) Mainpuri, to decide the Original Suit No. 32 of 2023, within the time frame fixed by this Court.
4. However, during the course of argument learned counsel for the petitioner has confined his prayer for expeditious disposal of the 6-C application which is stated to be pending since January, 2023.
5. Learned counsel for the petitioner submits that the petitioner is a widow and the suit has been instituted for cancellation of a gift deed, which is stated to have been executed by the father-in-law of the petitioner, by which petitioner and her minor daughters have been excluded from any share of the property in question. Learned counsel for the petitioner submits that along with the plaint of the aforesaid suit, an application seeking interim injunction application (paper no. 6C-2) was filed, on which the learned Civil Judge (Junior Division), Mainpuri by order dated 24.01.2023 being of the view that ex-parte injunction was not liable to be granted to the plaintiff petitioner, issued notice to the defendant requiring their presence in the proceedings.
6. Learned counsel for the petitioner submits that the defendants have already put in appearance in the proceedings and filed their written statement, however, despite various dates being fixed for consideration of the interim injunction application (Paper no. 6C-2), no orders have yet been passed and there is constant threat to the plaintiff- petitioner being dispossessed from the suit property,

in such circumstances expeditious disposal of the 6C-2 application has been sought.

7. I have heard Shri Ajay Kumar, learned counsel for the petitioner and have perused the record.

8. From the perusal of the order-sheet that has been brought on record as Annexure no. 5 to the petition, it is borne out that by order dated 24.01.2023 notices were issued on the 6C-2 application requiring the presence of defendant and pursuant thereto the defendant have already put in appearance and filed their written statement. Even after the defendant having put in appearance the dates are being fixed, but no order have been passed on 6C-2 application.

9. Considering the urgency expressed by learned counsel for the petitioner and taking note of the fact that the interim injunction application is pending consideration since 24.01.2023, this Court is of the opinion that ends of justice would stand served, if, directions are issued for expeditious disposal of the 6C-2 application. Accordingly, petition is **disposed off** by requiring the Civil Judge (Junior Division), Mainpuri seized with the interim injunction application (paper no. 6C-2) filed in O.S. No. 32 of 2023 to take up the same and pass an appropriate order **on the next date fixed or within three weeks from the date fixed** upon service of certified copy of the order of this Court, in accordance with law.

Order Date :- 13.12.2023

Bhanu