

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12477 of 2023

Petitioner :- Sobhnath Dwivedi

Respondent :- Shiv Mangal Dubey

Counsel for Petitioner :- Babit Kumar,Dinesh Kumar Yadav

Hon'ble Ashutosh Srivastava,J.

Heard Shri Babit Kumar , learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the learned A.C.J. (Senior Division) ACJM-06, Prayagraj to decide the application under Order 39 Rule 1 and 2 CPC pending in Original Suit No. 1597 of 2019 (Sobhnath Dubey vs. Shiv Mangal Dubey) within a stipulated period fixed by this Court. A further prayer has been made for a direction to the Court concerned to decide the Original Suit No. 1597 of 2019 (Sobhnath Dubey vs. Shiv Mangal Dubey) within a stipulated period fixed by this Court.

Learned counsel for the petitioners during the course of arguments has confined the relief for expeditious disposal of the interim injunction application paper no. 6-C-2.

Learned counsel for the petitioner submits that interim injunction application (6-C), filed along with the aforesaid Suit, is pending consideration and the purpose of filing the present petition would stand served if appropriate directions are issued to the Court below to consider and pass appropriate orders on the pending interim injunction application (6-C) within a time frame fixed by this Court.

This Court has perused the order sheet of the proceedings, annexed along with the petition.

A perusal of the order sheet reveals that the Court below after perusal of report of Munsrim registered the case and issued notices

to the respondent. Thereafter, several dates have been fixed, but the 6-C application remains pending till date.

In view of the above, this Court is of the opinion that the petition under Article 227 can be disposed of by requiring the A.C.J. (Senior Division) ACJM-06, Prayagraj, seized with the 6-C application, filed in Original Suit No. 1597 of 2019 (Sobhnath Dubey vs. Shiv Mangal Dubey), to consider and pass appropriate orders on the same, expeditiously, preferably, on the next date fixed or within a period of three month from the next date fixed.

With the aforesaid observations the writ petition is ***disposed of***.

Order Date :- 7.12.2023

Deepak/