

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12293 of 2023

Petitioner :- Maheshwari Mishra

Respondent :- Sharda Prasad Mishra And 5 Others

Counsel for Petitioner :- Krishn Kumar

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Krishn Kumar, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Senior Division), Mau, to proceed with and decide the Original Suit No. 121 of 2016 (Sharda Prasad Vs. Ram Prasad and others) within the stipulated time frame fixed by this Court.
4. Although the prayer for expeditious disposal of Suit No.121 of 2016 has been sought, during the course of arguments, learned Counsel for the petitioner has confined his prayer for disposal of interim injunction application (paper no.6-C).
5. Learned Counsel for the petitioner submits that the petitioner is a defendant in the Suit in question. The Suit has been instituted for the relief for permanent injunction asserting certain facts over the disputed property. He submits that although objections to the interim injunction application has been filed by the defendant, the dates are being fixed but no final orders are being passed to decide application (paper no.6-C) and ex-parte temporary injunction is being extended from time to time. He submits that on account of extension of temporary injunction order, the defendant is suffering great hardship. He submits that the purpose of filing the present petition would stand served if appropriate order is issued to Civil Judge (Senior Division), Mau, to decide application (paper no.6-C) within the time frame fixed by this Court.
6. I have heard Sri Krishn Kumar, learned Counsel for the petitioner and perused the record.

7. From the order-sheet, which has been brought on record as Annexure-3 to the petition. it is borne out that the trial court vide order dated 18.4.2016 had passed an ex-parte order injunctioning the defendant-petitioner from interfering in the possession of the plaintiff over the land contained in Arazi No.53 having an area 0.2700 Hectare and Arazi no.282 having an area 0.3890 Hectare situated at Mauza Belaksaila, Tehsil Madhuban, District Mau, at the same time inviting objections and fixing the date for disposal of application (paper no.6-C). The order-sheet also reveals that objections have been filed by the defendants - petitioners. However, dates are being fixed and the temporary injunction order is being extended but the application (paper no.6-C) is not being finally decided.

8. In such view of the matter, this Court is of the opinion that the ends of justice would stand served if appropriate directions are issued to the court concerned to pass final orders on the interim injunction application (paper no.6-C) expeditiously.

9. Accordingly, this Court disposed of this petition by requiring Civil Judge (Senior Division), Mau, seized with the interim injunction application (paper no.6-C) filed in Original Suit No. 121 of 2016 (Sharda Prasad Vs. Ram Prasad and others) to pass appropriate orders finally deciding the said application within a period of 3 months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 4.12.2023

Irshad