

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12353 of 2023

Petitioner :- Rajeev Chaurasia

Respondent :- Rama Devi And 5 Others

Counsel for Petitioner :- Sudhanshu Chaurasia,Om Prakash Chaurasia

Hon'ble Ashutosh Srivastava,J.

Heard Shri Sudhanshu Chaurasia, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notice upon the respondent nos. 1 to 6 is being dispensed with.

The present petition under Article 227 of the Constitution of India has been filed with a limited prayer for a direction to the Civil Judge, Junior Division, Ghazipur, to decide the interim injunction application, Paper No. 6-C, dated 04.09.2021, filed in Civil Suit No. 686 of 2021 (Rajeev Chaurasia Vs. Rama Devi and others) within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the petitioner is a plaintiff in the Civil Suit No. 686 of 2021 which has been instituted for the relief of permanent injunction along with an application seeking temporary interim injunction, Paper No. 6-C. On which notices were issued and thereafter defendants have put in appearance. The defendant no. 1 has filed his written statement. Although, the other defendants have put in appearance but have not filed their written statements.

By way of the interim injunction application the plaintiff/petitioner has prayed for restraining the defendants from interfering in the peaceful possession of the petitioner, over the Arazi No. 2107, Mauja-Mardah, Post Pachottar, District Ghazipur.

Learned counsel for the petitioner submits that even though the defendants have put in appearance and dates are being fixed, the interim injunction application, paper no. 6-C, has yet not been considered by the Court concerned and there is a threat of dispossession, looming over the head of the plaintiff/ petitioner, and in such circumstances, a direction for expeditious disposal of

6-C application is warranted.

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

From the order sheet of the proceedings, brought on record as annexure 2 to the petition, it is borne out that the defendant no. 1 has already put in appearance and filed his written statement. The other defendants have also been given opportunity to file written statements. However, the interim injunction application is not being considered the Court is of the opinion that the petition can be disposed of by directing expeditious disposal of the interim injunction application 6C which is stated to be pending since 2021.

Accordingly, the present petition is ***disposed off*** by requiring the Civil Judge (Junior Division) Ghazipur, seized with the interim injunction application 6C, filed in the Civil Suit No. 686 of 2021 (Rajeev Chaurasia Vs. Rama Devi and others), to proceed and pass appropriate orders on the said application, expeditiously, preferably on the next date fixed or within two months from the date fixed upon service of certified copy of the order of this Court, strictly, in accordance with law.

Order Date :- 5.12.2023

Deepak/