

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12298 of 2023

Petitioner :- Raj Bahadur Singh

Respondent :- Pramod Kumar Patel

Counsel for Petitioner :- Kamlesh Kumar Singh

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Kamlesh Kumar Singh, 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), Varanasi, to consider and decide the Original Suit No. 347 of 2017 (Raj Bahadur Vs. Pramod Kumar Patel) within the stipulated time frame fixed by this Court.
4. Although the relief for expeditious disposal of Original Suit No.347 of 2017 has been prayed for, the learned Counsel for the petitioner has confined his relief for expeditious disposal of application (paper no.6-C), which is stated to be pending for the last 6 years.
5. Learned Counsel for the petitioner submits that the Suit in question has been instituted for the relief of specific performance of an agreement dated 28.5.2014. Along with the plaint of the said Suit, an application seeking interim injunction was also filed.
6. From a perusal of the order-sheet, it reflects that the court below, being of the opinion that ex-parte injunction should not be granted, issued notices requiring the defendant - respondent to appear in the case. Thereafter, various dates were fixed for appearance of the defendants and ultimately vide order dated 10.12.2018, the proceedings were directed to proceed ex-parte and the matter was fixed for ex-parte evidence of the plaintiff. Various dates, thereafter, were fixed for ex-parte evidence and disposal of

application (paper no.6-C) but despite passage of almost 6 years, the application (paper no.6-C) has not been disposed of.

7. Learned Counsel for the petitioner submits that purpose of filing the present petition would stand served if appropriate directions are issued to Civil Judge (Senior Division), Varanasi, to pass appropriate orders to decide the application (paper no.6-C).

8. Having heard learned counsel for the petitioner and having perused the record, this Court is of the opinion that the ends of justice would stand served if expeditious disposal of the interim injunction application (paper no.6-C) is directed to be decided.

9. Accordingly, taking note of the fact that the disposal of the application (paper no.6-C) is pending since last 6 years and proceedings have been directed to proceed ex-parte, this petition is disposed of by directing the Civil Judge (Senior Division), Varanasi, seized with the proceedings to take up the interim injunction application (paper no.6-C) and pass final order thereon expeditiously within a period of 3 months, from the date of production of certified copy of order of this Court without granting any unnecessarily adjournment, strictly in accordance with law.

Order Date :- 4.12.2023

Irshad