

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12358 of 2023

Petitioner :- Ram Murat

Respondent :- Teerath And 3 Others

Counsel for Petitioner :- Alauddin,Fakhruddin

Hon'ble Ashutosh Srivastava,J.

Heard Shri Alauddin Khan, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed the notices upon the defendants/ respondents is being dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed seeking a direction to the learned Civil Judge (Junior Division) Navgarh, Siddharth Nagar, to decide the Original Suit No. 23 of 2012 (Dularpati Vs. Teerath and others) within a time frame fixed by this Court.

Although a prayer for expeditious disposal of the proceedings of the Original Suit No. 23 of 2012, has been sought but, during the course of arguments, learned counsel for the petitioner has confined the relief for a direction to the Court concerned for expeditious disposal of the interim injunction application, Paper No. 7C-2, which is pending since 10.01.2012.

Learned counsel for the petitioner submits that the defendants/ respondents have already put in appearance but no objections or written statements, have been filed by them to the interim injunction application as well as the suit which is pending consideration since 10.01.2012 and even after passage of near about 12 years the said application is not being disposed off.

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

From the order sheet, that has been filed on record, as annexure 2 to the petition, it is borne out that the interim injunction application, Paper No. 7C-2 is pending consideration since 10.01.2012 and despite appearance of the defendants neither the said application has been considered nor any order has been passed

there on.

Considering the totality of the circumstances, this Court is of the opinion that the petition can be disposed of by directing expeditious disposal of the interim injunction application 7C-2 which is stated to be pending since 2012.

Accordingly, the present petition is ***disposed off*** by requiring the Civil Judge (Junior Division) Navgarh, Siddharth Nagar,, seized with the interim injunction application 7C-2, filed in the Original Suit No. 23 of 2012 (Dularpati Vs. Teerath 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/