

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 12362 of 2023

**Petitioner :-** Bhanu Pratap Singh

**Respondent :-** Kumar Chandan And 7 Others

**Counsel for Petitioner :-** Jay Prakash Yadav

**Hon'ble Ashutosh Srivastava,J.**

Heard Shri Jay Prakash Yadav, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed, the service of notice upon respondents is being dispensed with.

The present petition under Article 227 of the Constitution of India has been filed for a direction to the Civil Judge (Jr.Div.)-II, Hapur to decide the interim injunction application (Paper No. 6C) filed in Original Suit No. 56 of 2022 (Bhanu Pratap Singh versus Kumar Chandan and others) within the time frame fixed by this Court.

Learned counsel for the petitioner submits that the petitioner is the plaintiff in a suit filed for cancellation of sale deed which has been instituted on 11.11.2022. An application seeking temporary injunction restraining the defendants from interfering the possession of the plaintiff-petitioner has been sought. On the said application, the Court below had issued notices inviting objections from the defendants vide order dated 11.11.2022. Thereafter various dates have been fixed for appearance of the defendants, but they have neither appeared nor filed written statement. He submits that there is a constant threat of dispossession from the subject matter of the suit is looming over the heads of the plaintiff and in such circumstances, the disposal of the interim injection application (Paper No. 6C) is warranted.

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

From the order-sheet, that has been brought on record as Annexure-3 to the petition, it is borne out that pursuant to the notices issued by the Court concerned on 11.11.2022, the defendants have not put in appearance and the application for interim injunction (Paper No. 6C) is pending consideration till date.

Considering the submissions of learned counsel for the petitioner that there is constant threat of dispossession at the hands of the defendants during the pendency of the proceedings, the Court is of the opinion that petition can be disposed of by expediting the disposal of application (Paper No. 6C).

Accordingly, the petition is ***disposed of*** by requiring the Civil Judge (Jr.Div.)-II, Hapur seized with the interim injunction application (Paper No. 6C) filed in Original Suit No. 56 of 2022 (Bhanu Pratap Singh versus Kumar Chandan and others) to take up the said application (Paper No. 6C) on the next date fixed i.e. 10.1.2024 or within one month from the next date fixed upon service of certified copy of the order of this Court.

**Order Date :- 5.12.2023**

Ravi Prakash

(Ashutosh Srivastava, J.)