

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12572
of 2023

Petitioner :- Shiv Kumar Dwivedi

Respondent :- Surajbhan Yadav And Another

Counsel for Petitioner :- Chetan Prakash

Hon'ble Ashutosh Srivastava,J.

1. Heard Sri Chetan Prakash, learned counsel for the petitioner.
2. Considering the nature of the order that is 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 for a direction to the Civil Judge (Senior Division), Jhansi to conclude and decide the interim injunction application (Paper No. 6C) filed in Original Suit No. 218 of 2023 (Shiv Kumar Dwivedi vs. Suraj Bhan Yadav & others), within the time stipulated by this Court.
4. Learned counsel for the petitioner submits that the Suit No. 218 of 2023 has been instituted for the relief of permanent injunction restraining the defendants from alienating the disputed land and house till Rs. 15,96,040/- is recovered by the plaintiff. Along with the plaint of the aforesaid Suit an application seeking temporary injunction has also been filed. The trial court vide its order dated 30.05.2023, being of the view that temporary injunction could not be granted to the plaintiff ex parte, issued notice to the defendants requiring their presence in the proceedings. Learned counsel for the petitioner submits that despite steps having been taken by the plaintiff-petitioner, the defendants have yet not appeared and more than six months have passed and there is constant threat that the defendants would alienate the Suit property. In such circumstances, it has been prayed that disposal of the interim injunction

application may be expedited.

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

6. From the order-sheet of the proceedings, which has been brought on record as Annexure-3 to the petition, it is apparent that by order dated 30.05.2023 the trial court, being of the view that ex parte interim injunction was not liable to be granted to the plaintiff-petitioner, had issued notices to the defendants. The order reflects that the defendants have not put in appearance in the proceedings though more than six months have passed.

7. In view of the above, the Court is of the opinion that the petition can be disposed of by directing the Civil Judge (Senior Division), Jhansi, seized with the interim injunction application (Paper No. 6C) filed in Suit No. 218 of 2023, to consider and pass appropriate orders on the interim injunction application within a period of two months from the date of production of a certified copy of the order of this Court, strictly in accordance with law.

8. With the aforesaid observation, present petition is disposed of.

Order Date :- 8.12.2023

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