

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12357 of 2023

Petitioner :- Satyadev Mishra And Another

Respondent :- Jay Narayan

Counsel for Petitioner :- Babu Ram Yadav, Pradeep Kumar Yadav

Hon'ble Ashutosh Srivastava, J.

Heard Shri Babu Ram Yadav, learned counsel for the petitioners.

Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Jr. Div.), City, Jaunpur to decide the Suit No. 131 of 2019 (Jay Narayan versus Satyadev and another), within the time frame fixed by this Court.

Though the aforesaid prayer has been made for expediting the entire suit proceedings, learned counsel for the petitioner during the course of the arguments has limited his relief for expeditious disposal of the interim injunction application (Paper No. 6C), which is stated to be pending since 25.1.2019.

Learned counsel for the petitioner submits that interim injunction application (6-C), filed along with the aforesaid Suit, is pending consideration and the Court below vide order dated 24.1.2019 has refused to grant exparte injunction in favour of the plaintiff and issued notices to defendants. Thereafter on 29.3.2022, defendants have put in appearance, but not filed written statement till date. Learned counsel for the petitioner submits that purpose of filing the present petition would stand served if appropriate directions are issued to the Court below to consider and pass appropriate orders on the pending interim injunction application (6-C) within a time frame fixed by this Court.

This Court has perused the order sheet of the proceedings, annexed along with the petition.

A perusal of the order sheet reveals that the Court below after perusal of report of Munsrim registered the case and declined to grant exparte injunction in favour of the plaintiff and issued

notices to the defendants. Thereafter, several dates have been fixed, but the 6-C applications remains pending till date.

In view of the above, this Court is of the opinion that the petition under Article 227 can be disposed of by requiring the Civil Judge (Jr. Div.), City, Jaunpur seized with the 6-C application, filed in Suit No. 131 of 2019 (Jay Narayan versus Satyadev and another), to consider and pass appropriate orders on the same, expeditiously, preferably, ***on the next date fixed or within a period of three month from the next date fixed.***

With the aforesaid observations the writ petition is ***disposed of.***

Order Date :- 16.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)