

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12565 of 2023

Petitioner :- Smt. Aamna Khatoon

Respondent :- Aasma Khatoon And 5 Others

Counsel for Petitioner :- Vishwa Nath Pandey

Hon'ble Ashutosh Srivastava,J.

Heard Shri Vishwa Nath Pandey, learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Civil Judge (Junior Division) Kasya, Kushinagar, to decide the Interim Injunction Application (6-C) filed in Original Suit No. 656 of 2022 (Smt. Aamna Khatoon Vs. Asama Khatoon and others), preferably within a period fixed by this Court.

Learned counsel for the petitioner submits that the plaintiff/petitioner has filed Original Suit No. 656 of 2022 (Smt. Aamna Khatoon Vs. Asama Khatoon and others), for permanent injunction restraining the defendant/respondent no. 1 from interfering and dispossessing the plaintiff/petitioner from the property in question along with an application for Interim Injunction, Paper No. 6-C, under Order 39 Rule 1 CPC. On the Interim Injunction Application, Paper No. 6-C, the Trial Court, being of the view that no ex-parte injunction could be granted, issued notices requiring the presence of the defendants. He further submits that the defendants have put in appearance and have also filed their objections with the Written Statement. However, the said application for interim injunction, Paper No. 6-C, is pending consideration since 13.04.2022 and the purpose of filing the present petition shall stand served, if appropriate directions are issued to the Civil Judge (Junior Division) Kasya, Kushinagar, to decide the interim injunction application within a time frame fixed by this Court.

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

From the perusal of the order sheet, which has been brought on record as annexure 3 to the petition, it is evident that the notices have been issued on the interim injunction application and defendants have put in appearance and filed their objections. However, despite various dates, being fixed for consideration of the Interim Injunction Application, (Paper No. 6-C) the said application has not been considered and decided.

Accordingly, the present petition is ***disposed off*** by requiring the Civil Judge (Junior Division) Kasya, Kushinagar, seized with the interim injunction application 6C, filed in the Original Suit No. 656 of 2022 (Smt. Aamna Khatoon Vs. Asama Khatoon 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, without granting unnecessary adjournment to either of the parties.

Order Date :- 8.12.2023

Deepak/