

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12391 of 2023

Petitioner :- Firatu Ram

Respondent :- Asha Devi And 2 Others

Counsel for Petitioner :- Shailendra Kumar Yadav

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Shailendra Kumar Yadav, learned counsel for the petitioner.
2. Considering the nature of the order 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 seeking direction to the Civil Judge (Junior Division), Shahar Jaunpur, to consider and decide the interim injunction application (paper no.6-C) filed in Original Suit No. 1032 of 2023 (Firatu Ram Vs. Asha Devi and others) within the stipulated time frame fixed by this Court.
4. Learned Counsel for the petitioner submits that petitioner has instituted a Suit, being Suit No.1032 of 2022, for cancellation of the sale-deed and for injunction. Along with the plaint of the aforesaid Suit, the application seeking temporary injunction (paper no.6-C) has also been filed. Learned court below on the application (paper no.6-C) has issued notices to the defendants requiring their presence before an order can be passed on the application (paper no.6-C).
5. Learned Counsel for the petitioner submits that the services upon the defendants have been held to be sufficient by publication. However, the defendants have not appeared in the proceedings and nor filed written statement or the objection to the application (paper no.6-C). He submits that the pendency of the interim injunction application is effecting the rights of the plaintiff-petitioner adversely and in such circumstances, direction for expeditious disposal of the interim injunction application is liable to be issued.
6. I have heard learned Counsel for the petitioner and perused the

record.

7. From the submissions advanced and from the order-sheet brought on record, it is borne out that pursuance to the notice issued on the application (paper no.6-C), the service upon the defendants have been held to be sufficient by publication. Despite the said fact, the defendants have not appeared nor filed objection to the application (paper no.6-C).

8. In such circumstances, this Court is of the opinion that the ends of justice would stand served if a direction for expeditious disposal of pending application (paper no.6-C) is directed.

9. Accordingly, this petition is disposed off by requiring the Civil Judge (Junior Division), Shahar Jaunpur, seized with the interim injunction application (paper no.6-C) filed in Original Suit No. 1032 of 2023 (Firatu Ram Vs. Asha Devi and others) to pass appropriate order on the said application within a period of 2 months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 5.12.2023

Irshad