

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12489 of 2023

Petitioner :- Smt. Kiran Devi

Respondent :- Bheem Singh And 5 Others

Counsel for Petitioner :- Anand Kumar Singh, Shri Prakash Dwivedi

Hon'ble Ashutosh Srivastava, J.

Heard Shri Anand Kumar Singh, 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 with the limited prayer for expediting the disposal of the Interim Injunction Application, Paper No. 6-C, filed by the plaintiff/petitioner, in Original Suit No. 311 of 2016 (Kiran Devi vs. Bheem Singh) , which is stated to be pending since 2016, before the Civil Judge (Junior Division) Varanasi, within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the Suit in question has been filed for cancellation of the sale Deed. Along with the said Suit, an application seeking Interim Injunction, Paper No. 6-C, was filed. On the said Application, the Learned Civil Judge (Junior Division) Varanasi, by order dated 01.03.2016, being of the view that the Temporary Injunction, cannot be granted without hearing the other side, issued notices requiring the presence of the defendants. He submits that the defendant/ respondent no. 1 has put in appearance and notice upon the defendant/respondent no. 2 has been held to be sufficient. Objections to 6-C application have also been filed. However, despite dates being fixed for consideration of Interim Injunction Application the same is not being considered nor any final order or any other order is being passed thereon. He submits that the purpose of filing the present petition would stand served if directions are issued to the learned Civil Judge (Junior Division) Varanasi, to expedite the disposal of

the Interim Injunction Application, Paper No. 6-C.

Considering the totality of the circumstances, and taking note of the fact that the defendants have already put in appearance, in response to the Interim Injunction Application, and have filed their objections and further taking note of the fact that the Interim Injunction Application is pending consideration since 2016, the ends of justice would stand served, if directions are issued, to the Civil Judge (Junior Division) Varanasi, for expeditious disposal of the Interim Injunction Application, Paper No. 6-C, within a time frame.

Accordingly, the present petition is ***disposed of*** by requiring the Civil Judge (Junior Division) Varanasi, seized with the Interim Injunction Application 6-C, filed in the Original Suit No. 311 of 2016 (Kiran Devi vs. Bheem Singh), 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.

Order Date :- 7.12.2023

Deepak/