

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12393 of 2023

Petitioner :- Kaushalya Devi

Respondent :- Yogendra Pratap Singh And 7 Others

Counsel for Petitioner :- Ravindra Kumar Mishra,Pankaj Keshari

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Ravindra Kumar Mishra , 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), Shikohabad, Firozabad, to consider and decide the application (paper no.6-C) filed in Original Suit No. 1035 of 2023 (Kaushalya Devi Vs. Yogendra Pratap Singh and others) within the stipulated time frame fixed by this Court.
4. Learned Counsel for the petitioner submits that the Suit in question has been filed for relief of permanent injunction restraining the defendant from interfering in the possession of the petitioner over the suit property.
5. Learned Counsel for the petitioner has invited the attention of this Court to the order-sheet of the proceedings, which have been brought on record as Annexure-2 to the petition, to demonstrate the fact that by order dated 21.10.2023, the learned Civil Judge (Junior Division), Shikohabad, Firozabad, being of the view that ex-parte injunction was not liable to be passed in favour of the petitioner had issued notices requiring the presence of the defendants to file their objections, if any. Pursuant to the notice so issued, learned Counsel for the petitioner submits that the defendants have put in appearance. However, no objection has yet been filed by them. He submits that now 13.12.2023 has been fixed in the proceedings for consideration of the interim injunction application. He further submits that there is a constraint threat of dispossession at the end of the defendants and in these circumstances, direction for

expeditious disposal of application (paper no.6-C) is warranted.

6. I have heard learned Counsel for the petitioner and have perused the record.

7. This Court is of the opinion that ends of justice would stand served if expeditious disposal of the interim injunction application is directed. Accordingly, this petition is disposed off by requiring Civil Judge (Junior Division), Shikohabad, Firozabad, seized with the application (paper no.6-C) filed in Original Suit No. 1035 of 2023 (Kaushalya Devi Vs. Yogendra Pratap Singh and others), which is stated to be fixed for 13.12.2023, to pass appropriate orders thereon on the next date fixed or within a period of one month, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 5.12.2023

Irshad