

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 12711 of 2023

**Petitioner :-** Smt Sheenu Chowdhary And Another

**Respondent :-** Swapnil Malik And Another

**Counsel for Petitioner :-** Jahangir Haider, Virendra Kumar Sonkar

**Hon'ble Ashutosh Srivastava, J.**

Heard Shri Jahangir Haider, learned counsel for the petitioners.

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

The present petition under Article 227 of the Constitution of India has been filed seeking direction to the learned Civil Judge (Sr.Div.), Ghaziabad to decide the interim injunction application (6C-2) pending in Suit No. 1054 of 2022 (Smt. Sheenu Chowdhary versus Swapnil Malik) expeditiously within a time frame fixed by this Court.

Learned counsel for the petitioners submits that petitioners are the plaintiff in the suit filed before the Court below and petitioners have filed interim injunction application (Paper No. 6C-2) along with the suit. Learned counsel for the petitioners submits that interim injunction application filed by the petitioners have not yet been decided and on the other hand, defendants/respondents have sold one joint undivided ancestral property situated at Delhi to another person. Learned counsel for the petitioners submits that petitioners have equal share in the aforesaid property and the defendants are adamant to sell the joint ancestral property. In case, defendants succeed, the plaintiffs/petitioners would be deprived of their lawful rights. Learned counsel for the petitioners submits that an appropriate directions may be issued to the Court below to consider and pass appropriate orders on the pending interim injunction application (6C-2) 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 issued notices

to the defendant. Thereafter, several dates have been fixed, but the 6C-2 application has not been decided and the Court below has invited objections on the aforesaid application.

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 (Sr.Div.), Ghaziabad seized with the 6C-2 application, filed in Suit No. 1054 of 2022 (Smt. Sheenu Chowdhary versus Swapnil Malik), to consider and pass appropriate orders on the same, expeditiously, preferably, ***on the next date fixed or within a period of three weeks from the next date fixed***, in accordance with law.

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

**Order Date :- 12.12.2023**

Ravi Prakash

(Ashutosh Srivastava, J.)