

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12579 of 2023

Petitioner :- Smt.Ganga Devi And 3 Others

Respondent :- Sri Jitendra Singh And 9 Others

Counsel for Petitioner :- Vibhu Rai

Hon'ble Ashutosh Srivastava,J.

1. Heard Sri Dhananjay Rai under the authority of Sri Vibhu Rai, learned counsel for the petitioners.

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

3. The present petitioners, who had earlier obtained order in the Original Suit No. 283 of 2020 which had been instituted for the relief of permanent prohibitory injunction, have approached this Court under Article 227 of the Constitution of India for a direction to the Civil Judge (Senior Division)/F.T.C., Aligarh to conclude and decide the contempt petition filed under Order 39 Rule 2(a) C.P.C., registered as Misc. Case No. 76 of 2020 (Ganga Devi and others vs. Jitendra Singh and others) expeditiously, preferably within a time frame fixed by the Court.

4. Learned counsel for the petitioners submits that in the Suit No. 283 of 2020 an order dated 28.07.2020 has been passed in terms of the interim injunction prayed for. The respondents have violated the said order and consequently proceedings for contempt under Order 39 Rule 2(A) has been instituted by the plaintiff-petitioners, which is registered as Misc. Case No. 76 of 2020. Learned counsel for the petitioners submits that though the defendants have put in appearance in the said proceedings but the proceeding is pending since 14.08.2020 and have not been brought to its logical end even after passing of three years. He submits that purpose of filing the present petition shall stands served if a direction is issued to the court concerned to expedite the proceedings of the contempt case.

5. I have heard learned counsel for the petitioners and have perused the record.

6. From the order-sheet of the proceedings that have been brought on record as Annexure-5 to the petition, it is borne out that the contempt proceedings are pending since 14.08.2020, though the defendants have already put in appearance but no further progress is being made in the said proceedings.

7. In these circumstances, the Court is of the opinion that the petition can be disposed off by directing expeditious disposal of contempt proceedings. Accordingly the petition is disposed of by requiring the Civil Judge (Senior Division)/F.T.C., Aligarh, seized with the contempt petition registered as Misc. Case No. 76 of 2020 (Ganga Devi and others vs. Jitendra Singh and others), to conclude and pass final orders in the said proceedings within a period of six months from the date of service of certified copy of the order of this Court, in accordance with law.

Order Date :- 8.12.2023

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