

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12777 of 2023

Petitioner :- Ram Murat Maurya

Respondent :- Ram Singar Maurya And 6 Others

Counsel for Petitioner :- Narendra Kumar,Akhilesh Kumar

Hon'ble Ashutosh Srivastava,J.

Heard Shri Narendra Kumar, 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 for a direction to the Civil Judge (Senior Division), District-Azamgarh, to decide the interim injunction application 7C-2, under Order 39 Rule 1 CPC after considering the objections of the petitioner, who is defendant, in the Original Suit No. 260 of 2023 (Ram Singar Maurya and other Vs. Ram Surat and others), within stipulated period fixed by this Court.

Learned counsel for the petitioner submits that the suit has been instituted for relief of permanent injunction. The trial Court vide order dated 24.08.2023, passed exparte order granting temporary injunction in favour of the plaintiffs/respondents against the defendant/petitioner, directing the defendant/petitioner to maintain status-quo in respect of the suit property. He further submits that the petitioner being defendant has already put in appearance and filed his objections to the interim injunction application. However, despite dates being fixed the 7C-2 application is not being decided. It has been submitted that the exparte injunction, granted in favour of the plaintiffs/respondents is affecting his rights over the property and in such circumstances, expeditious disposal of the of the application 7C-2 is warranted.

Considering the totality of the circumstances, this Court is of the opinion that ends of justice would stand served if directions are issued for expeditious disposal of the application 7C-2.

Accordingly, the petition is ***disposed off*** by requiring the Civil Judge (Senior Division), District-Azamgarh, seized with the application 7C-2, under Order 39 rule 1 CPC, filed in Original Suit

No. 260 of 2023 (Ram Singar Maurya and other Vs. Ram Surat and others), to decide the said application taking into consideration the objections filed by the defendant/petitioner, within a period of ***two months***, from the date of service of certified copy of the order of this Court, in accordance with law, without granting unnecessary adjournment to either of the parties.

Order Date :- 14.12.2023

Deepak/