

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12762 of 2023

Petitioner :- Ajeem Fatima

Respondent :- Mohd. Raiyan And 8 Others

Counsel for Petitioner :- Praveen Kumar, Onkar Nath Vishwakarma, Satish Tripathi, Sr. Advocate

Hon'ble Prakash Padia, J.

1. Heard Sri Pradeep Kumar, learned Senior counsel assisted by Sri Onkar Nath Vishwakarma, learned counsel for the petitioner and perused the record.

2. The present petition has been filed by the petitioner with the following prayers:-

"i) issue any order or direction commanding the defendant/respondent nos. 1 to 9 not to create any 3rd party right over the disputed plots, situated in Village- Nasirpur Sekh, Nasirpur, Mansukh, Pargana- Budhpur Halimpur Sadanpur Pargana/ Tehsil- Chandpur, Bijnor mentioned in the plaint of original suit no.13 of 2022, pending before the Civil Judge (Jr. Div.), Chandpur, Bijnor.

ii) issue any order or direction commanding the Civil Judge (Jr. Div.), Chandpur, Bijnor to decide the temporary injunction application (paper no.6-C), within the reasonable time, fixed by the Hon'ble Court."

3. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.

4. It is submitted by learned counsel for the petitioner that along with the aforesaid suit, an application for grant of interim injunction was also filed in which notices were issued to the defendants- respondents. It is further argued that despite of service of notice till date no objection has been filed, insofar as the injunction application is concerned. It is next argued that the defendants- respondents are interfering in the possession of the plaintiff-petitioner and trying to grab the property in question.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands disposed of finally with a direction to the concerned court below to consider and decide 6 C application pending in aforesaid case in accordance with law expeditiously and preferably within a period of three months from the date of receipt of certified copy of this order, but certainly after giving opportunity to the parties concerned and

without granting unnecessary adjournments to either of the parties, if there is no legal impediment.

6. It is however provided that for a period of four months or till disposal of the 6 C application, whichever is earlier, the parties shall maintain status quo as on date over the property in question.

Order Date :- 13.12.2023

S.K.