

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12700 of 2023

Petitioner :- Mohd. Sajid

Respondent :- Jafruddin And 10 Others

Counsel for Petitioner :- Ashutosh Upadhyay, Rajesh Kumar Singh

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Ashutosh Upadhyay, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the respondent nos. 1 to 11 are being dispensed with.
3. Petitioner is a defendant in a suit for permanent injunction registered as Original Suit no. 434 of 2023 instituted by the respondent no. 1 Jafruddin son of Shamshuddin.
4. The present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Civil Judge (Senior Division), Bijnor to decide the interim injunction application (Paper no. 6-C) under Order 39 Rule 1 & 2 C.P.C. in Original Suit no. 434 of 2023 (Jafruddin vs. Abdul Sattar & others) within the time frame fixed by this Court.
5. Learned counsel for the petitioner submits that the trial court vide order dated 03.07.2023 passed an ex-parte temporary injunction directing the parties to maintain status-quo and required the plaintiff to comply with the provisions of Order 39 Rule 3 C.P.C. The petitioner has already put in appearance in the proceedings on 29.08.2023 and has filed his objections to the interim injunction application, thereafter, the matter is pending for consideration of 6-C application, but, no final orders have yet been passed.
6. Attention of the Court has been invited to the order-sheet of the proceedings filed as Annexure no. 2 to the petition, particularly to the order dated 06.10.2023 by which the plaintiff -respondent has been granted last opportunity to advance his arguments on interim injunction application (paper 6-C). Learned counsel for the petitioner submits that subsequently the plaintiff has filed his

replication and pleadings for disposal of the 6-C application and now the date fixed for disposal of 6-C application is 21.12.2023.

7. Learned counsel for the petitioner submits that on account of ex-parte status-quo order passed against the petitioner, the petitioner is suffering great hardship.

8. Considering the totality of the circumstances and taking note of the fact that objections and replication to the 6-C application have already been filed and the date is fixed for consideration of the said application, ends of justice would stands served, if directions are issued for expeditious disposal of 6-C application. Accordingly, the application is disposed off requiring the Civil Judge (Senior Division), Bijnor seized with the interim injunction application (Paper no. 6-C) under order 39 Rule 1 & 2 C.P.C. in Original Suit no. 434 of 2023 (Jafruddin vs. Abdul Sattar & others) to pass final orders on the next date fixed or within two months, from the date fixed upon service of certified copy of the order of the court in accordance with law.

Order Date :- 11.12.2023

Bhanu