

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 12592 of 2023

**Petitioner :-** Devanti Devi And Another

**Respondent :-** Smt. Samita Shukla

**Counsel for Petitioner :-** Abhishek Misra

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

1. Heard Sri Akshar Kumar Srivastava under the authority of Sri Abhishek Misra, learned counsel for the petitioners.

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

3. The present petition under Article 227 of the Constitution of India has been filed for a direction to the Civil Judge (Junior Division) Gorakhpur to conclude and decide the Original Suit No. 451 of 2021 (Devanti Devi and another vs. Smt. Samita Shukla) at an early date within a time frame fixed by the Court.

4. Learned counsel for the petitioners submits that the petitioners are tenants in the premises owned by the defendant- respondent since the year 2012. The defendant-respondent threatened to evict the plaintiff-petitioners from the premises in question, which compelled the petitioners to institute the Original Suit No. 451 of 2021. The trial court by ex parte order restrained the defendant-respondent from evicting the petitioners without due course of law. The injunction order was passed on 01.03.2021 and was being extended from time to time. However, the petitioners on their own have not pressed the application for extension of the temporary injunction granted by the court, which fact was recorded by the trial court in its order dated 01.04.2021. The petitioners have been continued in possession of the tenanted premises despite the vacation of the interim injunction order since 01.04.2021. Learned counsel for the petitioners submits that till date the defendant-respondent (landlady) has not initiated any proceedings for their eviction either under the Rent Control Act or filed a suit for eviction under the Small Causes Courts Act, but is

threatening to dispossess the petitioners by taking aid of goons etc. In such circumstances, learned counsel for the petitioners submits that since the interim injunction order has not been extended in their favour, the proceedings of the suit itself may be expedited.

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

6. From the order-sheet of the proceedings brought on record, it is borne out that the plaintiffs, after not pressing their application for temporary injunction, moved another application on 06.09.2021 for revival of the temporary injunction granted in their favour. The said application was registered as Paper No. 16-C. The proceedings of the suit thereafter have been pending for consideration of the application (Paper No. 16-C). Objections to the said application has also been received and the suit is being fixed for disposal of 16-C application. In such circumstances, the Court is of the opinion that instead of expediting the proceedings of the entire Suit, in which the defendant has yet not filed written statement, ends of justice would stand served if directions are issued for expeditious disposal of 16-C application.

7. Accordingly, the petition is disposed of by requiring the Civil Judge (Junior Division) Gorakhpur, seized with the proceedings of the Original Suit No. 451 of 2021 (Devanti Devi and another vs. Smt. Samita Shukla) to take up the application 16-C and the objections thereto and proceed to pass appropriate orders thereon on preferably within a period of two months from the date of service of certified copy of the order of this Court.

**Order Date :- 8.12.2023**

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