

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12826 of 2023

Petitioner :- Ramchandra Chaurasiya

Respondent :- Nizamuddeen

Counsel for Petitioner :- Sanjai Kumar Singh

Hon'ble Ashutosh Srivastava,J.

Heard Shri Sanjai Kumar Singh, learned counsel for the petitioner.

Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Pratham/Additional Civil Judge (Jr. Div.), Kasya, Kushi Nagar to decide the Original Suit No. 1885 of 2018 (Nizamuddeen versus Vishwanath and others) within the time frame fixed by this Court.

Learned counsel for the defendant-petitioner during the course of argument has confined the relief for a direction to the court concerned to decide the interim injunction application (6C) pending since 14.12.2017.

Learned counsel for the defendants/petitioner submits that defendants have put in appearance before the Court below, but case has not been decided till date and dates are being continuously fixed by the Court below for disposal of interim injunction application (6C). Learned counsel for the petitioner submits that purpose of filing the present petition would stand served if appropriate directions are issued to the Court below to consider and pass appropriate orders on the pending interim injunction application (6-C) within a time frame fixed by this Court.

This Court has perused the order sheet of the proceedings, annexed along with the petition.

A perusal of the order sheet reveals that the Court below after perusal of report of *Munsrim* registered the case and issued notices to the defendants. In pursuance thereof, defendants have put in appearance. Thereafter, several dates have been fixed, but the 6-C

application remains pending till date.

In view of the above, this Court is of the opinion that the petition under Article 227 can be disposed of by requiring the Pratham/Additional Civil Judge (Jr. Div.), Kasya, Kushi Nagar seized with the 6-C application, filed in Original Suit No. 1885 of 2018 (Nizamuddeen versus Vishwanath and others), to consider and pass appropriate orders on the same, expeditiously, preferably, ***within a period of three month*** from the date of service of certified copy of this order.

With the aforesaid observations the writ petition is ***disposed of***.

Order Date :- 15.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)