

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12705 of 2023

Petitioner :- Sanjeev Kumar Singh

Respondent :- Ramratan And 3 Others

Counsel for Petitioner :- Chakravarti Sisodia

Hon'ble Ashutosh Srivastava,J.

Heard Shri Chakravarti Sisodia, learned counsel for the petitioner.

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

The present petition under Article 227 of the Constitution of India has been filed seeking direction to the learned Civil Judge (Jr.Div.), Sahaswan, Budaun to decide the interim injunction application (6C) pending in Original Suit No. 151 of 2021 (Sanjeev Kumar Singh and another versus Ram Ratan and others) within a time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner is the plaintiff in the suit. Learned counsel for the petitioner submits that property in dispute belongs to the petitioner and situated at village Deyohara Shekhpur, Pargana & Tehsil Sahaswan, District Budaun. The residential house of petitioner situate south to the land in dispute and main door of the house is in the said land since the construction of the house from the last 25-30 years back. The defendants have no concern with the said land and have no right, title or interest over the same, but are interfering with the suit property. Thereafter, petitioner has filed a suit along with interim injunction application, but the Court below in spite of granting interim injunction, issued notices to the defendants, who in turn appeared before the Court below and filed their written statement. Learned counsel for the petitioner submits that interim injunction application filed by the petitioner has not yet been decided. Learned counsel for the petitioner submits that an appropriate directions may be issued to the Court below to consider and pass appropriate orders on the pending interim injunction application (6C) 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. The defendants have appeared before the Court below and filed their written statement, but 6C application has not been decided 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 Civil Judge (Jr.Div.), Sahaswan, Budaun seized with the 6C application, filed in Original Suit No. 151 of 2021 (Sanjeev Kumar Singh and another versus Ram Ratan and others), to consider and pass appropriate orders on the same, expeditiously, preferably, ***on the next date fixed or within a period of three weeks from the next date fixed***, in accordance with law.

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

Order Date :- 12.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)