

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12775 of 2023

Petitioner :- Ambika Prasad Mishra

Respondent :- Indrajeet Urf Sadhu And 7 Others

Counsel for Petitioner :- Alauddin,Fakhruddin

Hon'ble Ashutosh Srivastava,J.

1. Heard ShriFakhruddin, learned counsel for the petitioner.
2. Considering the nature of the order that is proposed to be passed, the notice upon respondents 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)/Judicial Magistrate, Dumariyaganj, Siddharth Nagar to decide the Original Suit No.68 of 2015 (Ambika Prasad Mishra versus Indrajeet Urf Sadhu and others) within a time frame fixed by the Court.
4. Learned counsel for the plaintiff -petitioner during the course of argument has confined the relief for a direction to the court concerned to frame the issues in the suit so as to facilitate its progress and also to decide the interim injunction application (7C).
5. In order to buttress his submission, learned counsel for the plaintiff- petitioner has invited the attention of this Court to the order-sheet of the proceedings brought on record as Annexure no. 2 to the petition. Learned counsel for the petitioner submits that Court below has refused to grant exparte injunction and fixed the case for service of notice upon the defendants. Learned counsel for the petitioner submits that despite putting in appearance by the defendants neither defendants have filed their written statement nor Court below has proceeded to decide the pending interim injunction application (7C) and due to this, plaintiff/petitioner is suffering a lot and general dates are being fixed by the Court below.
5. Under such circumstances, the prayer for appropriate direction to the court concerned has been prayed for.
6. Having heard learned counsel for the petitioner and having

perused the record, particularly to the various orders passed by the Court below, this Court find that the proceedings of the suit are unnecessarily been lingered on and almost more than eight years have been passed, neither issues have been framed nor interim injunction application (6C) has been decided till date.

7. In these circumstances, the Court is of the opinion that the petition can be disposed off by issuing appropriate direction to the court concerned to decide the pending interim injunction application (7C) and to frame the issues and thereafter, proceed to invite evidence of the parties. Accordingly the petition is ***disposed of*** by requiring the Civil Judge (Junior Division)/Judicial Magistrate, Dumariyaganj, Siddharth Nagar seized with the proceedings of the Original Suit No.68 of 2015 (Ambika Prasad Mishra versus Indrajeet Urf Sadhu and others) to decide the pending interim injunction application (7C) and also to frame the issues expeditiously preferably on the **next date fixed or within next four months** from the date of service of certified copy of order of this Court to facilitate the progress of the suit.

8. With the aforesaid condition the writ petition is ***disposed off***.

Order Date :- 14.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)