

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12794 of 2023

Petitioner :- Smt. Kushum Devi

Respondent :- Lata And 8 Others

Counsel for Petitioner :- Rahul Mishra, Sanjay Mishra

Hon'ble Ashutosh Srivastava, J.

Heard Shri Rahul Mishra, 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 Addl. Civil Judge (Jr. Div.), Court No.7, Prayagraj to consider and decide the Suit No. 4493 of 2022 (Smt. Kusum versus Lata and others) within the time frame fixed by this Court.

Learned counsel for the petitioner submits that interim injunction application (6-C), filed along with the aforesaid Suit, is pending consideration since 2022. Learned counsel for the petitioner submits that petitioner is the plaintiff in the suit filed before the Court below and she is aged about 60 years old. Learned counsel for the petitioner submits that notice upon the defendants is reported to be served on 23.12.2022, but defendants have not yet put their appearance. Learned counsel for the petitioner submits that interim injunction application (6C) is lingering on and the 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 respondent and Court below has refused to grant exparte interim injunction in favour of the plaintiff. 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 Addl. Civil Judge (Jr. Div.), Court No.7, Prayagraj seized with the 6-C application, filed in Suit No. 4493 of 2022 (Smt. Kusum versus Lata 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.***

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

Order Date :- 14.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)