

Court No. - 21

Case :- WRIT - C No. - 1000192 of 2003

Petitioner :- Badkaunu

Respondent :- Additional District Judge Vth Hardoi And
Another

Counsel for Petitioner :- Anurag Narain

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Pathak,J.

Instant writ petition is arising out of misc. application (paper no. 3-Ka) under Order 39 Rule 2-A of C.P.C. filed on behalf of respondent no. 2 before the first appellate court (respondent no. 1).

Facts culled out from the averment made in the writ petition are that Badkaunu (petitioner) has filed a suit, being O.S. No. 324 of 1990. The trial court, vide order dated 13.09.1990, has decided the interim injunction application (paper no. 7C) under Order 39 Rule 1 C.P.C. Having been aggrieved,, Kamlesh (defendant/respondent no. 2) has preferred Misc. Appeal No. 53 of 1990 against the order passed by the trial court. During pendency of the appeal, interim order dated 22.11.1990 was passed to maintain the status quo on spot. At later stage, defendant-respondent no. 2 Kamlesh has moved a misc. application (paper no. 3-Ka) under Order 39 Rule 2-A of C.P.C. with the allegation that the plaintiff-petitioner has willfully disobeyed the interim order dated 22.11.1990 passed by the appellate Court. Considering the merit of the application under Order 39 Rule 2-A of C.P.C., learned Additional District Judge, Court No. 2, Hardoi has passed order dated 30.11.2002 directing civil imprisonment to the plaintiff for seven days.

There is nothing on the record to show that any interim order is granted by this Court in favour of petitioner staying the effect and operation of the order impugned dated 30.11.2002.

In view of the above, the order dated 30.11.2002, by which the petitioner has been directed to be detained in civil prison for the period of seven days, must have been implemented. At this juncture, after about more than twenty years from the order impugned dated 30.11.2002, I did not find any justifiable ground to interfere in the order impugned.

As such, instant writ petition is dismissed.

Order Date :- 30.5.2023/Pkb/