

Court No. - 21

Case :- WRIT - C No. - 1001658 of 2004

Petitioner :- Surajdeen

Respondent :- A.D.J. 6th Raebareli And 2 Ors.

Counsel for Petitioner :- R.K. Maurya, S.R. Rizvi

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Pathak, J.

Instant writ petition is arising out of proceeding under Order 39 Rule 1 C.P.C. The plaintiff-petitioner (Surajdeen) has filed a suit for permanent prohibitory injunction on 17.07.2003. An interim injunction application under Order 39 Rule 1 C.P.C. has been filed as well on behalf of the plaintiff. Learned trial court, vide order dated 06.10.2003, has rejected the interim injunction application (C2-6) under Order 39 Rule 1 C.P.C. Having been aggrieved, the plaintiff has filed Misc. Appeal No. 62 of 2003. The appellate court, vide order dated 15.01.2014, has dismissed the said appeal affirming the order dated 06.10.2003 passed by the trial court.

Having been aggrieved, instant writ petition has been filed on behalf of the plaintiff-petitioner assailing the orders passed by the courts below rejecting the interim injunction application.

While entertaining the instant writ petition an interim order dated 15.04.2004 has been passed by this Court. Parties were directed not to change the nature of land and not to alienate the property in question. There is no specific direction issued by this Court to stay the further proceedings going on before the trial court.

Perusal of record reveals that the suit was filed on 17.07.2003. There is nothing on record to demonstrate that the suit is still pending consideration before the trial court. It appears that till date suit must have been finally decided by the trial court.

In my opinion, no fruitful purpose would be served to keep the matter pending for years to come. Instant writ petition appears to be infructuous by efflux of time.

As such, instant writ petition is dismissed as infructuous.

Order Date :- 30.5.2023

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