

Court No. - 21

Case :- WRIT - C No. - 1000559 of 2005

Petitioner :- Manish Kumar And Anr.

Respondent :- Krishna Dutt Dubey And 4 Ors.

Counsel for Petitioner :- G.S. Chauhan, G.S. Chauhan

Counsel for Respondent :- C.S.C., Kamlesh Singh, R.K. Upadhyay

Hon'ble Dinesh Pathak, J.

1. List revised.

2. None is present for either of the parties. However, learned Standing Counsel is present.

3. Instant writ petition is arising out of interim injunction application under Order 39 Rule 1 C.P.C. Krishna Dutt Dubey (plaintiff/respondent no. 1) has filed a suit for permanent prohibitory injunction. The trial court, vide order dated October 10, 2003, has allowed the interim injunction application (paper no. 6C2) under Order 39 Rule 1 C.P.C. in favour of the plaintiff. Having been aggrieved, defendant nos. 3 and 4 (present petitioners) have preferred Civil Revision No. 51 of 2003. Learned Additional District Judge, vide order dated 11.01.2005, has dismissed the revision and affirmed the order passed by the trial court.

4. Instant matter is arising out of suit which was filed in May, 2003. There is nothing in the record to demonstrate as to whether suit is still pending or not. It appears that the original suit must have been decided till now.

5. Vide order dated 08.02.2005 passed by this Court, interim order was granted to maintain status quo on spot. However, there was no interim relief staying the further proceedings going on before the trial court. No useful purpose would be served to keep this writ petition pending for years to come, whereas no one has put in appearance on behalf of the petitioners.

6. In this conspectus, instant writ petition is dismissed as infructuous.

Order Date :- 31.5.2023

Pkb/