

Court No. - 21

Case :- WRIT - C No. - 1005086 of 2004

Petitioner :- Bhola Nath

Respondent :- District Judge Shravasti.And 3 Others.

Counsel for Petitioner :- Vishnu Srivastava

Counsel for Respondent :- C.S.C.,R.N.Gupta,Ram Kumar Maurya

Hon'ble Dinesh Pathak,J.

Instant writ petition has been filed on behalf of the plaintiff assailing the interim order dated 08.10.2004 passed by the learned District Judge in Misc. Appeal No. 4 of 2004.

Facts culled out from the averment made in the writ petition are that the petitioner has filed a suit for permanent injunction. The trial court, vide order dated 12.08.2004, has issued notices to the respondents and granted interim order restraining the defendants not to cut the trees and not to interfere in the peaceful possession of the plaintiff over the property in question. Defendant/respondent nos. 3 and 4 have preferred misc. appeal assailing the order dated 12.08.2004 passed by the trial court. Learned District Judge has passed the order dated 08.10.2004 admitting the appeal and notices were ordered to be issued to the other side. Simultaneously, learned District Judge has also granted interim order staying the effect and operation of the order dated 12.08.2004, which is under challenge in the instant writ petition.

While entertaining the instant writ petition, this Court, vide order dated 19.11.2004, has issued notices to the respondents and granted interim order directing the respondents not to cut the trees standing over the land in question. There is no specific direction with respect to staying the further proceedings before the revisional court.

Instant writ petition is pending since 2004 against the interim order dated 12.08.2004 passed by the appellate court in the misc. appeal filed on behalf of defendant nos. 1 and 2. There is nothing on the record to demonstrate as to whether revision or suit is still pending or not. It appears that the instant writ petition has become infructuous by efflux of time.

As such, instant writ petition is dismissed as infructuous.

Order Date :- 30.5.2023/Pkb/