

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5615 of 2023

Petitioner :- Raj Kumar Vishwakarma

Respondent :- Civil Judge (J.D.) Room No. 25, North,
Sultanpur And 2 Others

Counsel for Petitioner :- Rakesh Kumar Yadav

Hon'ble Saurabh Lavania,J.

Heard.

In view of the order proposed to be passed by this Court, notice to the private-respondent(s) is dispensed with.

Present petition has been filed for the following main relief:-

"i. to direction to the learned court below to decide the sale deed cancelation Suit No. 384 /2019 (Raj Kumar Vishwakarma Versus Tribhuwan Vishwakarma & Another) pending before Civil Judge (J.D.) Room No. 25, North, Sultanpur, since 2019, according to law within time stipulated by this Hon'ble Court.

ii. to direct the opposite party no.01 to decide the stay application (4-K-2) suit No. 384/2019 (Raj Kumar Vishwakarma Versus Tribhuwan Vishwakarma & Another) pending before Civil Judge (J.D.) Room No. 25, Sultanpur, since 2019, according to law within time stipulated by this Hon'ble Court."

Considering the period of pendency of the suit as also that the application seeking temporary injunction under Order 39 Rule 1 and 2 of CPC as also the Circular No.C.L. No.24/Admin. G-II dated Allahabad 16.08.2017, issued by this Court, which says that the application seeking temporary injunction should be disposed of within a period of six months, failing which, Presiding Officer is required to record reasons therefor, this Court is of the view that no fruitful purpose will be served in keeping this petition pending.

Accordingly, present petition is disposed of with direction to respondent No.1-Civil Judge, (J.D.), Room No.25, North, District-Sultanpur, to consider and decide the Application seeking temporary injunction preferred in Suit No.384 of 2019, most expeditiously, after affording full opportunity of hearing to the parties, but without granting any adjournment to either of the parties preferably within a period of three months from the next date fixed in the case, if there is no other legal impediment.

It is also expected that Trial Court that shall make all endeavour to decide the suit, in issue, expeditiously.

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 2.11.2023

Vinay/-