

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 4488 of 2023

Petitioner :- Sri Niyaz Ahmad Lko. Thru. His Power Of Attorney Smt. Fatima Khatoun

Respondent :- Civil Judge Junior Division South Lko. And 3 Others

Counsel for Petitioner :- Laxmi Narayan Gupta, Mahendra Singh

Hon'ble Rajnish Kumar,J.

1. Heard Sri Laxmi Narayan Gupta learned counsel for the petitioner.
2. This petition has been filed under Article 227 for a direction for disposal of Regular suit no.2151 of 2022 (Niyaz Ahmad vs Babloo and others) filed on 05.09.2022.
3. Submission of learned counsel for the petitioner is that the petitioner who is plaintiff in the suit is posted at Mughalsarai, therefore, he has given power of attorney to his wife who is residing in the house in dispute but despite the injunction granted by the trial court, the defendants who are respondent nos.2 to 4 in this petition are trying to dispossess the petitioner.
4. Perusal of the order sheet indicates that the interim injunction application of the petitioner has been allowed by means of the order dated 06.04.2023 granting injunction of status-quo on the land in dispute and after filing of the written statement, now the case is being fixed for issues.
5. Perusal of the plaint as well as the present petition indicates that the petitioner's address is of Lucknow and the injunction has been granted in favour of the petitioner and his application for interim injunction has been allowed till disposal of the suit. If the injunction order is not being complied then the remedy lies elsewhere and this cannot be a ground for direction for disposal of suit of the year, 2022, at this stage, when many old cases are pending merely because the petitioner wants that the suit should be disposed of at an early date.
6. The petition lacks merit and is, accordingly, **dismissed**.

(Rajnish Kumar,J.)

Order Date :- 11.10.2023/Harshita