

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 4994 of 2023

Petitioner :- M/S Sri Krishna Enterprises Lko. Thru. Its Partner
Ajay Raj Agarwal

Respondent :- Addl. Judge Small Causes Court / Court No. 18
Lko. And 2 Others

Counsel for Petitioner :- Anil Kumar Gupta, Smt. Ruchi Gupta

Hon'ble Rajnish Kumar, J.

Application for deletion of opposite party no.3 from the array of opposite party filed on behalf of the petitioner is taken on record.

Ms. Ruchi Gupta, learned counsel for the petitioner submits that the opposite party no.3 has wrongly been impleaded and she may be permitted to delete the same.

On due consideration, the application is allowed.

Learned counsel for the petitioner is permitted to delete the opposite party no.3 from the array of the opposite party during course of the day.

This petition has been filed for a direction to decide the interim relief application under Order-39, Rule-1&2 read with Section 151 C.P.C. connected with old original civil suit having Regular Suit No.709 of 2021 (New Regular Suit No.911 of 202; M/S Sri Krishna Enterprises Vs. Mohd. Athar Khan), which is pending before the opposite party no.1/ Additional Judge Small Causes Court, Court No.18, Lucknow.

From perusal of the documents placed on records it appears that earlier ad-interim injunction was granted to the petitioner in Regular Suit No.709 of 2021 (M/S Sri Krishna Enterprises Vs. Mohd. Athar Khan) which has been vacated by means of the order dated 23.03.2022. The said order was challenged by the petitioner before this Court in Matters Under Article 227 No.1114 of 2022; M/S Sri Krishna Enterprises Vs. Civil Judge and 2 Others. This Court, after considering the pleas and hearing the parties held that this Court does not find any good ground to show interference in the order impugned, however disposed of providing therein that the applications pending under Order-1, Rule-10 C.P.C. and application under Order-6, Rule-17 C.P.C. be considered by the trial court and appropriate

order be passed thereon as expeditiously as possible, but no such prayer, as made in this petition, was made by the petitioner in the said petition, therefore this petition for direction for disposal of application under Section-39, Rule 1&2 read with Section 151 C.P.S. is not maintainable. However it is always open to the parties, to press application before the concerned court and in case the same is not disposed, to move application for expeditious disposal showing the urgency, which is to be considered by the concerned court in accordance with laws and proceed accordingly.

With the aforesaid, this petition is **dismissed**.

(Rajnish Kumar, J.)

Order Date :- 13.10.2023

Haseen U.