

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5055 of 2023

Petitioner :- Vimala Sahu

Respondent :- Learned Civil Judge (Senior Division) Lko. And 4 Others

Counsel for Petitioner :- Devendra Gupta, Prashant Shukla

Hon'ble Saurabh Lavania, J.

Heard.

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

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

"1. Issue an appropriate order or direction to set-aside the impugned order dated 11/09/2023, passed by respondent no.1 i.e. Learned Civil Judge (Senior Division), Lucknow in Regular Suit No.1853/2023 (Smt. Vimla Sahu v Meenakshi Sahu and others), contained as Annexure No.1 to this petition. in the interest of justice.

II. Issue an appropriate order or direction to the respondent no.2 to 4 to maintain status quo and not to create third party interest on the property at issue i.e. Khasra No.1648, Area-5412 sq ft, situated in Gram-Kanausi. Ward- Kesrikheda, Pargana, Tehsil and District-Lucknow, during the pendency of application for temporary injunction, filed by petitioner under Order XXXIX Rule 1 and 2 of CPC, contained as Annexure No.8 to this petition."

Taking note of the fact, in issue, as also the nature of the suit and without observing anything on merits, the present petition is disposed of with direction to respondent no.1/Learned Civil Judge (Senior Division), Lucknow to consider the application preferred by the petitioner in Regular Suit No. 1853/2023 (Smt. Vimla Sahu v Meenakshi Sahu and others) on the next date fixed which as per order sheet annexed with the present petition is 11.10.2023, if possible and if there is no other legal impediment in this regard.

If the prayer seeking temporary injunction could not be considered on the next date fixed, the same shall be considered and disposed of in view of Circular issued by this Court on administrative side dated 16.08.2017 within a maximum period of six months.

To conclude the proceedings, the respondent no. 1 shall not grant unnecessary adjournment to the parties to the litigation.

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

Order Date :- 10.10.2023/Mohit Singh/-