

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5106 of 2023

Petitioner :- Smt. Ram Rani Alias Sita And Another

Respondent :- Court Of Learned Addl. Civil Judge Senior Division, Room No. 21 Lucknow And 7 Others

Counsel for Petitioner :- Rohit Kannojiya

Hon'ble Saurabh Lavania,J.

Heard.

The present petition is filed with the following prayer:-

"(A) Issue a suitable order of direction commanding the opposite party no.1 to Consider and decide the pending objection 08.03.2013/ application under Order 39 Rule 4 CPC for stay vacation and rejection of Interim Stay Order obtained by the plaintiff illegally AND also a direction to the Learned Court of Additional Civil Judge Senior Division, Room No. 21 Lucknow to decide the Regular Suit No. 117/2012; Smt Vidyawati Devi Versus Ram Sewak and others within the fixed time period as fixed by this Hon'ble Court.

B) Issue a suitable order of direction commanding the opposite party no.1 to firstly decide the issue of maintainability of suit registered as Regular Suit No.117/2012 as the same is barred by law."

It is stated that the order to maintain status quo was granted on 29.05.2012 and thereafter in the month of March, 2013, the objection under Order 39 Rule 4 C.P.C. was filed and the same has not been disposed of till date and the application under Order 39 Rule 1 and 2 as also objection are pending though as per the Circular issued by this Court dated 16.08.2017, an application seeking temporary injunction should be decided within a period of six months failing which the Presiding Officer concerned is required to record reasons.

Considering the aforesaid as also the Circular issued by this Court dated 16.08.2017, this petition is disposed of with a direction to the respondent No.1-Court of learned Additional Civil Judge, Senior Division, Room No.21, Lucknow, to consider and decide the pending application for seeking temporary injunction and the objection to the same, most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any unnecessary adjournment to either party preferably within a maximum period of three months from the next date fixed.

It is expected, that the learned trial court shall make all endeavour to conclude the trial as early as possible as the suit itself was filed in the year 2012.

It is made clear that this Court has not examined the case of either party 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 :- 10.10.2023/Raj