

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5102 of 2023

Petitioner :- Dasrath Singh

Respondent :- Fast Track Court (S.D.) Sultanpur And 2 Others

Counsel for Petitioner :- Maneesh Singh

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Saurabh Lavania,J.

Heard.

In view of order proposed to be passed, the issuance of notice to opposite party No.3 is dispensed with.

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

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the opposite party No.1 i.e. Fast Track Court (Senior Division), Sultanpur to expeditiously decide the application under Order 39 Rule 1 & 2 C.P.C. (Paper No.5-Ga) filed in Regular Suit No.870 of 2018 (Dashrath Singh Versus State of U.P. & Another, pending in the Court of opposite party No.1 since 30.10.2018, according to law within time stipulated by this Hon'ble Court."

For the purposes of relief sought in the present petition, learned counsel for the petitioner submitted that an application under Order 39 Rule 1 and 2 C.P.C. for temporary injunction filed in a suit, registered as Regular Suit No. 870 of 2018, regarding the land in dispute before the opposite party No.1-Fast Track Court (Senior Division), Sultanpur, is pending since November, 2018. As such, indulgence of this Court is required. Prayer is to expedite the proceedings of the aforesaid case as early as possible.

To the aforesaid, learned counsel for the State submitted that for reasons beyond control, the application could not be disposed of

till date and the same would be decided at the earliest by the authority concerned.

Considering the aforesaid facts and circumstances of the case, without entering into the merits of the case, the petition is **disposed of** with a direction to opposite party No.1-Fast Track Court (Senior Division), Sultanpur, to consider and decide the pending application under Order 39 Rule 1 and 2 C.P.C. seeking temporary injunction filed in a suit, registered as Regular Suit No. 870 of 2018, expeditiously, say within a period of four months from the next date fixed, if there is no legal impediment in this regard. The concerned authority shall avoid unnecessary adjournments. It is further provided that while conducting the proceedings the proper opportunity shall be provided to the parties to the proceedings.

Order Date :- 10.10.2023/Raj