

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5216 of 2023

Petitioner :- Indra Kumar Rastogi

Respondent :- Civil Judge (Junior Division) Court No. 13, Barabanki And 4 Others

Counsel for Petitioner :- Ashish Kumar Rastogi

Hon'ble Rajnish Kumar,J.

Heard, Shri Ashish Kumar Rastogi, learned counsel for the petitioner.

This petition has been filed for directing the respondent no.1, Civil Judge (Junior Division) Court No.13, Barabanki, to pass an order against the private respondents to be guilty of committing disobedience of the injunction order dated 10th May, 2023 and accordingly direct to attach the properties of the private respondents and to detain the private respondents in Civil Prison for disobedience of interim injunction order dated 10th of May 2023. He has further prayed for a direction for the private respondents to comply the injunction order passed by the Civil Judge (Junior Division), Court No.13, Barabanki and not to disturb in peaceful possession of the petitioner and further restrain them to damage/demolish the shop in question which is being under the tenancy of the petitioner.

No such direction can be issued by this court because it is the discretion of the concerned court to pass such an order, if any appropriate application is moved before the concerned court, considering the same after affording opportunity to the other side.

At this stage learned counsel for the petitioner submits that he does not want to press the petition to enable him to pursue his remedy before the concerned court and if the same is not being considered then to approach this court.

It is always open to the parties to approach the court, if the applications are not considered in accordance with law. Even otherwise it is to be considered by the concerned court.

The writ petition is, accordingly, **dismissed** as not pressed with the liberty as aforesaid.

(Rajnish Kumar,J.)

Order Date :- 13.10.2023

Banswar