

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5368 of 2023

Petitioner :- Smt. Sita

Respondent :- Fast Track Court (F.T.C.) Junior Division (J.D.) Sultanpur
And 10 Others

Counsel for Petitioner :- Mata Prasad Yadav, Ajay Madhavan

Hon'ble Rajnish Kumar, J.

Sri M.P. Yadav, learned counsel for the petitioner submits that respondent nos.2 to 9 have filed Regular Suit no.339 of 2017 (Raj Kali & others vs Baitali & others) alongwith an application for interim injunction. The exparte interim injunction was granted in favour of the respondent nos.2 to 9. The petitioner has filed the objection to the application but till date the application for interim injunction filed by the respondent nos.2 to 9 has not been disposed of, despite the observation made by the trial court on 01.03.2022 that after obtaining the exparte stay, the plaintiff is not appearing for disposal of application under Order 39 Rule 1 and 2.

Perusal of the order sheet indicates that the petitioner is not appearing since May, 2023. Therefore, this Court is not inclined to issue any direction, at this stage. However, if the application is not disposed of and exparte interim order is operating till date, it is the duty of the Court to decide the application expeditiously without granting unnecessary adjournment. It is always open to the petitioner to move to the court concerned for disposal of application for interim injunction filed by respondent no.2 to 9 within some short stipulated period.

In case, such an application is moved within a period of two weeks from today or by the next date fixed which is said to be 02.11.2023, the same shall be considered by the concerned court on the date fixed or within a period of two weeks, thereafter, and endeavour to decide the application for interim injunction filed by respondent nos.2 to 9 expeditiously, in a time bound manner.

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

(Rajnish Kumar, J.)

Order Date :- 18.10.2023/Harshita