

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5521 of 2023

Petitioner :- Katiha @ Jamaluddeen

Respondent :- Civil Judge ,Senior Division, Kaiserganj, Distt. Bahraich
And Another

Counsel for Petitioner :- Dinesh Chandra Tewari

Hon'ble Rajnish Kumar,J.

Heard, Shri Dinesh Chandra Tewari, learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner has filed a Regular Suit No.165 of 2023 for permanent injunction alongwith an application for temporary injunction under Order 39 Rule 1 and 2 read with Section 151 CPC, but the application for interim injunction has not been disposed of and only the notice has been issued. He further submits that there is urgency in the matter because the respondent no.2, who is defendant in the Suit, is raising construction on the land in dispute.

Perusal of the Suit filed by the petitioner and the application for interim injunction indicates that it is admitted case of the petitioner that he is in possession of the house in question and the plea in this petition is also for a direction not to enter in the house of the petitioner and to raise any illegal construction. In the Suit the notices have been issued on 10.10.2023 fixing 10.11.2023 and this petition has been filed before the said date.

At this stage learned counsel for the petitioner submits that the petition be dismissed as not pressed with liberty to pursue his interim injunction application before the concerned court at this stage.

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

(Rajnish Kumar,J.)

Order Date :- 27.10.2023
Banswar