

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5531 of 2023

Petitioner :- Ram Awadh And Another

Respondent :- Civil Judge (J.D.) Room No. 24, District-Sulatnpur And 3 Others

Counsel for Petitioner :- Rakesh Kumar Yadav

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

Hon'ble Rajnish Kumar,J.

Heard Shri Rakesh Kumar Yadav, learned counsel for the petitioners, Shri D.P. Singh, learned Standing Counsel and Shri Mohan Singh, learned counsel for the opposite party no.3.

Submission of learned counsel for the petitioner is that the petitioners have filed Regular Suit No.1478 of 2013 (Ram Awadh & Another Vs. State of U.P. through D.M. Sultanpur & Others) alongwith an application for temporary injunction which is pending in the court of Civil Judge (J.D.) Room No.24, Sultanpur, on which the notices were issued and counsel for the Gaon Sabha has also appeared but the application for interim injunction has not been considered despite the application moved by the petitioners under Section 151 C.P.C. on 25.09.2023. Now the case is fixed on 31.10.2023.

Learned Standing Counsel as well as learned counsel for the Gaon Sabha submits that their counsels shall appear before the concerned court on the next date fixed.

Learned counsel for the petitioners, after arguing at some length, restricted his prayer for a direction to the concerned court for disposal of their applications on the date fixed, however he fails to indicate as to whether the notices have been served on the private defendant or not.

In view of above, without entering into the merit of the case, this petition is **disposed of** providing here-in that the petitioners may press their application on the date fixed when the learned counsel for the State as well as Gaon Sabha shall remain present as their counsels have undertaken before this Court and the learned trial court shall consider and dispose of the applications on the said date after affording opportunity to the parties in accordance with law and in case it could not be disposed of on the date fixed for some reason, the concerned court shall decide the same expeditiously thereafter in a time bound manner.

(Rajnish Kumar, J.)

Order Date :- 28.10.2023

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