

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5703 of 2023

Petitioner :- Jogi And 3 Others

Respondent :- Civil Judge (J.D.), Kaiserganj, Bahraich And 9 Others

Counsel for Petitioner :- Dhananjai Kumar Tripathi

Counsel for Respondent :- Ashish Raman Mishra

Hon'ble Saurabh Lavania,J.

1. Heard Dhananjai Kumar Tripathi, learned counsel for the petitioner and Ashish Raman Mishra, learned counsel for caveator/respondent no. 5.

2. In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

3. Present petition has been filed for the following main reliefs:-

" i. Direct the opposite party no.1 to decide the application for temporary injunction numbered as 6-Ga pending in Regular Suit No.2321/2023 (Jogi and others Versus Chhotey Lal and others), as contained in Annexure No.1 to this petition.

ii. Direct the private opposite parties to maintain the status quo over the property in question, during pendency of Regular Suit No.2321/2023 (Jogi and others Versus Chhotey Lal and others) before opposite party no.1."

4. Considering the fact that the application seeking temporary injunction under Order 39 Rule 1 and 2 of C.P.C. read with Section 151 C.P.C. preferred by the petitioners is pending consideration as also that application of such nature should be decided within a period of six months failing which the presiding officer is required to record the reasons thereof as per the Circular No.C.L. No.24/Admin. G-II dated Allahabad 16.08.2017, issued by this Court on administrative side, the present petition is disposed of with a direction to respondent No.1-Civil Judge (J.D.), Kaiserganj, Bahraich to decide the aforesaid application, under consideration, after taking note of the circular, quoted above, most expeditiously.

5. The benefit of the order would be available to the petitioner if he would appear on the each date fixed in the case.

6. It is made clear that the Court has not examined the case of either of the parties on merits and the authority/court concerned shall be free to decide the matter strictly in accordance with law.

Order Date :- 7.11.2023/Mohit Singh/-