

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5694 of 2023

Petitioner :- Rajesh Kumar Singh

Respondent :- Mohd. Akhlaque Ahmad And 2 Others

Counsel for Petitioner :- In Person

Hon'ble Saurabh Lavania,J.

1. Heard Shri Rajesh Kumar Singh, the petitioner, who appears in-person.

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:-

"Issue appropriate order or direction to the Learned trial court to conclude and decide the R.S. No. 304/ 2018 (now R.S. No. 07 of 2021) namely Mohd. Akhlaque Ahmad Vs. Rajesh Kumar Singh & others Addl. Civil Judge (S.D.) Court No. 21, Lucknow in order to meet the ends of justice"

4. Considering the period of pendency of Regular Suit No. 304/ 2018 (now R.S. No. 07 of 2021, Mohd. Akhlaque Ahmad Vs. Rajesh Kumar Singh & others), which is about five years, as also the fact that despite the several dates fixed (sixty three dates) the application seeking interim injunction under Order 39 Rule 1 and 2 of C.P.C. read with Section 151 C.P.C. (C-6) has not been disposed of till date as also that as per Circular No.C.L. No.24/Admin. G-II dated Allahabad 16.08.2017, issued by this Court, an application seeking temporary injunction should be decided within a period of six months, this Court is of the view that no fruitful purpose would be served in keeping the present petition pending and appropriate direction be issued to the concerned Court

5. Accordingly, the present petition is disposed of with a direction to Additional Civil Judge (S.D.), Court No. 21, Lucknow to conclude the proceedings, most expeditiously, after affording full opportunity of hearing to the parties to the litigation and without granting any unnecessary adjournment to either party preferably within a period of one and a half years from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

6. To conclude the proceedings, the Court concerned shall avoid

unnecessary adjournments.

7. 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.

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

Order Date :- 7.11.2023/Mohit Singh/-