

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5732 of 2023

Petitioner :- Uma Prasad And Another

Respondent :- Civil Judge (Jd) Haweli Faizabad And 4 Others

Counsel for Petitioner :- Awaneesh Yadav

Hon'ble Saurabh Lavania,J.

1. Heard.

2. The present petition has been filed with the following prayer:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to issue an appropriate order or direction in the nature of mandamus commanding respondent No.1 to hear & decide application Numered as 6-C-2, i.e. for plaintiff temporary Injunction, as well as Regular Suit No.349 of 2022 [Re. Uma Prasad and anothers Vs. Nand Kishor & others]; expeditiously; within the time stipulated by this Hon'ble Court; in the interest of justice."

3. Taking note of the fact that the application seeking temporary injunction, in issue, preferred in regular suit no.349 of 2022, (Uma Prasad and another Vs. Nand Kishor & others), is pending consideration since March, 2022 as also that as per the Circular dated 16.08.2017 issued by this Court, an application for temporary injunction should be disposed of within a period of six months failing which the presiding officer has to record reasons, the present petition is disposed of with direction to opposite party No.1-Civil Judge (JD), Haweli, Faizabad to consider and dispose of the application seeking temporary injunction strictly, as per law, expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of four months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

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

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

Order Date :- 7.11.2023

Raj