

**Court No. - 18**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 5758 of 2023

**Petitioner :-** M/S Raibareli Salone Cold Storage Pvt. Ltd. Raebareli Thru. M.D. Sri Chandra Shekhar Rastogi

**Respondent :-** State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home, Civil Sectt. Lko. And 3 Others

**Counsel for Petitioner :-** Pankaj Kumar

**Counsel for Respondent :-** C.S.C.

**Hon'ble Saurabh Lavania,J.**

Heard learned counsel for the parties.

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

By means of this petition, the petitioner has sought the following main relief:-

*"I. Issue a order or direction, thereby commanding the learned Civil Judge Senior Division, Raibareli to decide the suit for permanent injunction preferred by the petitioner company, registered as Original Suit No. 303/2020, tilted as "M/s. Raibareli Salone Cold Storage Private Limited Vs. State of U.P.", within stipulated period fixed by this Hon'ble Court, in the interest of justice."*

On being confronted, learned counsel for the petitioner says that justice would suffice if a direction is issued to the trial Court concerned to decide the application for temporary injunction preferred in the suit under Order 39 Rule 1 & 2 read with Section 151 CPC.

Considering the aforesaid as also that learned State counsel has not opposed the prayer sought as also that as per Circular issued by this Court on administrative side dated 16.08.2017, an application seeking temporary injunction should be decided within a period of six months failing which the Presiding Officer concerned is required to record reasons therefor and in the instant case, the application seeking temporary injunction is pending consideration till date, the present petition is disposed of with a direction to trial Court concerned to decide the application seeking temporary injunction expeditiously from the next date fixed in the case after taking note of Circular issued by this Court in this regard.

The petitioner is at liberty to approach this Court for disposal of suit, in issue, at an appropriate stage, as he has approached this Court at an early stage of proceedings.

While conducting the proceedings, the Court concerned shall afford full opportunity of hearing to the parties to the litigation and shall not grant any adjournment to either party.

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

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

**Order Date :-** 8.11.2023/Arun/-