

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5821 of 2023

Petitioner :- Naresh Kumar

Respondent :- Civil Judge (Senior Division) Court No. 20, Barabanki And Another

Counsel for Petitioner :- Prabhat Kumar Upadhyay, Amit Kumar Singh

Hon'ble Rajnish Kumar,J.

Sri P.K. Upadhyay learned counsel for the petitioner submits that the petitioner has filed suit for permanent injunction (prohibitory), on which, the notices were issued on 13.12.2022 and the commission was directed to be made but till date no commission report has been submitted, therefore, the petitioner is constrained to approach this Court.

He further prays for direction to decide the suit no.609 of 2022 (Naresh Kumar vs R.P. Green Estate Pvt ltd) within stipulated period.

Perusal of the order sheet indicates that the order dated 13.01.2023, has not been annexed. The commission report was directed to be submitted on the said date and subsequent order sheet does not indicate about the commission report, therefore, in case commission report has not been submitted till date, the petitioner may move appropriate application before the concerned court for calling the same within some short stipulated period which shall be considered by the concerned court.

So far as, the prayer for direction for disposal of Regular Suit no. 609 of 2022 is concerned, no such direction can be issued, at this stage, because till date written statement has not been filed and the suit is of the year 2022.

In view of the above, the petition is **disposed of** in regard to prayer no.1 with liberty to move appropriate application before the court concerned, on the next date fixed which shall be decided by the concerned court and proceed accordingly as per law.

The petition, in regard to prayer no.2, for disposal of Suit no.609 of 2022 is **dismissed**.

(Rajnish Kumar,J.)

Order Date :- 9.11.2023/Harshita