

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5841 of 2023

Petitioner :- Ashok Kumar Gupta

Respondent :- Civil Judge (Senior Division), Room No. 15, Sultanpur
And 2 Others

Counsel for Petitioner :- Anjani Kumar Dwivedi

Hon'ble Rajnish Kumar,J.

Heard Sri Anjani Kumar Dwivedi, learned counsel for the petitioner.

This Court had passed the following order on 09.11.2023:-

"Sri Anjani Kumar Dwivedi, learned counsel for the petitioner submits that the petitioner has filed Regular Suit No..432 of 2021 for permanent injunction alongwith the application for interim injunction under Order 39 Rule 1 and 2 C.P.C pending in the Court of Civil Judge (Senior Division), Room No.15, Sultanpur. Notices were issued and the defendants who are the respondents in the present petition have put in appearance but till date the application for interim injunction has not been disposed of.

Perusal of the order sheet indicates that the case is being adjourned even while the parties remain present showing 'वास्ते पेश हो' but for what purpose, it has not been mentioned. This shows that the Presiding Officer is even not going through the paper book and signing the order without perusing because this order is being written since the year 2021.

In view of above, let a report be called from the District Judge, Sultanpur alongwith comments of the Presiding Officer of the concerned court as to why such a vague order is being passed.

Let the aforesaid report be called by the Senior Registrar of this Court through District Judge, Sultanpur before the next date.

List in the Week commencing 04.12.2023 in top ten cases."

In deference to the aforesaid order, the District Judge, Sultanpur has sent his report alongwith the report of the Civil Judge(Senior Division) Court No.15, Sultanpur, in which he has stated that four dates have been fixed before him, out of which on one date he was on leave and on the other three dates, the file was not put up before him, therefore it appears that he has no control over his office. However, he has submitted his apology for the mistake, if any. The District Judge, Sultanpur has also stated that the Presiding Officer has been directed to be careful in future in writing the order sheet and further stated

that a direction has also been issued for disposal of application for interim relief by the next date fixed.

In view of above and the direction issued by the District Judge, Sultanpur as communicated through the letter dated 24.11.2023, the petition is **disposed of** with direction to the concerned court to comply the directions issued by the District Judge, Sultanpur in regard to disposal of the application for interim relief.

Order Date :- 4.12.2023

Akanksha