

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5884 of 2023

Petitioner :- Aashiya Begum And 2 Others

Respondent :- Civil Judge (J.D.) Biswan Distt. Sitapur And Another

Counsel for Petitioner :- Satish Kumar Sharma,Harendra Singh

Hon'ble Rajnish Kumar,J.

Heard, Shri Harendra Singh, learned counsel for the petitioners.

This petition has been filed for a direction to the Civil Judge (J.D.), Biswan, District-Sitapur to decide the Civil Suit No.353 of 2023; Gulsher Khan Versus Ashiya Begum and others under Section 38 of the Specific Relief Act/Permanent injunction pending since 2023.

Perusal of the order sheet indicates that the Suit has been registered and the notices have been issued on 26.09.2023 fixing 04.11.2023 for written statement and 14.11.2023 for framing of issues. The notices have also been issued on the application for interim injunction and for commission on the said date. The petitioners are the defendants in the aforesaid Regular Suit filed by the respondent no.2.

On a query being put as to whether the petitioners have put in appearance and filed written statement or objection in the suit or not, learned counsel for the petitioners submits that he has no instructions in this regard.

Perusal of the petition does not indicate that the petitioners have put in appearance and filed the written statement, therefore it is nothing but misuse of the process of law for approaching this court for a direction for disposal of the Suit filed in the year 2023, even just after the first date fixed for filing of written statement, as this petition has been filed on 8th of November 2023, that too without putting appearance and filing the written statement, therefore this petition is liable to be dismissed with costs.

The petition is, accordingly, **dismissed** with a cost of Rs.5,000/-, which shall be deposited by the petitioners with the Senior Registrar of this court within a period of two weeks from today, failing which the same shall be recovered by the Senior Registrar from the petitioners as arrears of land revenue forthwith.

(Rajnish Kumar,J.)

Order Date :- 17.11.2023/Banswar