

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5883 of 2023

Petitioner :- Smt. Ashiya Bano And 3 Others

Respondent :- Ld. Civil Judge (Junior Division) Musafirkhana, Sultanpur And 4 Others

Counsel for Petitioner :- Anjani Kumar Dwivedi

Hon'ble Rajnish Kumar,J.

Supplementary affidavit filed by learned counsel for the petitioners is taken on record.

Sri Anjani Kumar Dwivedi learned counsel for the petitioners submits that he does not want to press the prayer no.2 for direction for disposal of Original suit no.75 of 2022 (Hari Ram and others vs Rafiq and others) pending in the Court of Civil Judge (Junior Division) Musafirkhana, Sultanpur at this stage and the petition may be dismissed as not pressed in regard to the said prayer with liberty to file fresh, if occasion arises in future.

In view of the above, the petition is dismissed as not pressed in regard to prayer no.2 with liberty as aforesaid.

Now, the petition survives only in regard to prayer no.1.

Heard Sri Anjani Kumar Dwivedi learned counsel for the petitioners.

Learned counsel for the petitioners submits that despite objection filed by the petitioners on 30.04.2022 against the application for interim injunction filed along with Regular Suit no.75 of 2022 filed by the respondent nos.2 to 5, in which interim injunction has been granted on 25.02.2022, the objection and application have not been disposed of till date, whereas the commission report has come and the same has also been confirmed by means of the order dated 07.01.2023.

On perusal of the order dated 18.11.2023 passed in Regular Suit no.75 of 2022 filed along with supplementary affidavit filed today, this Court finds that the case has been fixed for hearing on application 4C2 and application 32Ka2 under Order 6 Rule 17 on 14.12.2022.

Considering the nature of order proposed to be passed in the

petition, issuance of notice to opposite party nos.2 to 5 is dispensed with. Opposite party no.1 is the court concerned.

Without entering into merits of the case, the petition is **disposed of** with a direction to court concerned to consider and dispose of the interim application no.4C2 pending in original suit no.75 of 2022 (Hari Ram and others vs Rafiq and others) expeditiously in accordance with law without granting any unnecessary adjournment to either of the parties.

(Rajnish Kumar,J.)

Order Date :- 6.12.2023

Harshita