

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5890 of 2023

Petitioner :- Surya Narayan Pandey

Respondent :- Santram Pandey And 5 Others

Counsel for Petitioner :- Ashutosh Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar,J.

Heard, Shri Ashutosh Mishra, learned counsel for the petitioner and learned Standing Counsel.

This petition has been filed for a direction for compliance of the order dated 14.03.2023 passed in Original Suit No.1687 of 2022 pending before the Civil Judge (Junior Division)/FTC (Junior Division), Sultanpur alongwith consequential prayers.

By means of order dated 14.03.2023 an interim injunction has been granted by the trial court, which is said to have been violated by the respondents i.e. defendants in the suit, therefore an application under Section 151 CPC was moved for stay of the construction, on which an order was passed by the trial court for writing letter to the Police Station for its compliance on 04.08.2023 and invited objections of the defendants and in pursuance thereof a letter dated 05.08.2023 was written to the concerned Police Station. In the meantime the petitioner has filed an application under Order 39 Rule 2-A for violation of the interim injunction in the month of July 2023 stating therein that the construction has been made by the defendants in violation of the interim injunction.

On a query being put learned counsel for the petitioner submits that the notices have been issued on the said application, however he has not annexed the order sheet.

In view of above since the application under Order 39 Rule 2-A CPC has been filed by the petitioner, which is pending, the petitioner may press the same and in case the same is not considered and disposed of he may avail appropriate remedy as may be available under law.

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

(Rajnish Kumar,J.)

Order Date :- 17.11.2023

Banswar