

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5933 of 2023

Petitioner :- Mohsin Aslam @ Mohsin Alam

Respondent :- Civil Judge (Senior Division) Court No. 15, Sultanpur And 5 Others

Counsel for Petitioner :- Arti Shukla

Hon'ble Rajnish Kumar,J.

Heard Ms. Arti Shukla, learned counsel for the petitioner.

This petition has been filed with prayer for direction to decide the Original Suit No.1045 of 2023(Mohasin Alam versus Almeen and others) pending in the Court of Civil Judge(Senior Division) Room No.15, District Sultanpur. Further prayer has been made to do not disturb the peaceful possession of the petitioner and maintain status quo.

Learned counsel for the petitioner submits that the petitioner has filed suit for permanent injunction alongwith application for temporary injunction. On the application for temporary injunction, notices have been issued but no interim injunction has been granted, whereas the respondent nos. 2 to 6 are making construction on the land in dispute.

Perusal of the order sheet indicates that by means of the order dated 16.10.2023, notices have been issued providing therein that defendant no.1 would file the objection positively by the next date. The order sheet of 25.10.2023 onwards has not been annexed.

Learned counsel for the petitioner submits that on account of condolence, the case was adjourned on 25.10.2023 and now the case is listed on 23.11.2023.

In view of above, no direction can be issued at this stage for disposal of suit of the year 2023 when even the appearance has not been put in by the defendants in the suit, therefore in regard to prayer no.(i), this petition is totally misconceived and liable to be dismissed.

So far as the prayer no. (ii) is concerned, application for interim injunction is pending before the court concerned, therefore the petitioner may press his application for interim injunction before the concerned court and in case there is any urgency, he can always move application for expeditious disposal of the application before the court concerned, who may consider the same.

Dismissed accordingly.

Order Date :- 22.11.2023

Akanksha