

Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 5965 of 2023

Petitioner :- Shiv Prasad And 5 Others

Respondent :- Shiv Prakash And 4 Others

Counsel for Petitioner :- Shiv Prakash Dwivedi, Ashok Kumar Pandey

Hon'ble Abdul Moin, J.

Heard.

No notice is required to be issued to the respondent nos. 1 to 5 as their interest would be well protected by the order proposed to be passed by this Court.

A suit was filed by the petitioners against the respondents in the year 2021. Along with the plaint, they have also filed an application (4C) under Order 39 Rule 1 and 2 CPC. However, the said application has not been decided as yet and is pending till date.

This Court has already directed to all the subordinate courts to ensure disposal of interim injunctions within six months failing which, they shall have to record reasons. The said direction was issued by the letter dated 16.8.2017 bearing No.CL No.24/Admn. G-II, dated Allahabad 16.8.2017 and same is quoted below:-

"From,
Mohd.Faiz Alam Khan, HJS,
Registrar General,
High Court of Judicature at
Allahabad
To,

All the District & Sessions Judges,
Subordinate to the High Court of Judicature at
Allahabad.

C.L. No. 24/Admin. 'G-II' Dated: Allahabad 16.08.17

Sub: Time bound disposal of interim injunction application.

Madam/Sir,

Hon'ble Court has directed that all the subordinate courts must ensure to dispose of applications of interim injunction within six months, failing which they shall have to record reasons in the order-sheet.

I am, therefore, directed to request you to circulate the instant direction amongst all the judicial Officers working under your supervision and control and to ensure strict compliance of the same in letter and spirit.

Your faithfully,

(Mohd. Faiz Alam Khan)

No. 9770/Admin. 'G-II' Dated: Allahabad 16.08.2017"

In view of the aforesaid directions of this Court, it is expected that the Court concerned shall decide the injunction application of the petitioners or record reasons for not disposing the same, provided there is no legal impediment.

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

Order Date :- 24.11.2023

A. Katiyar