

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5953 of 2023

Petitioner :- Faiyaz Ahmad And Another

Respondent :- The Court Of Civil Judge (Junior Division) Lalganj Dist. Pratapgarh And 5 Others

Counsel for Petitioner :- Neeraj Kumar Srivastava, Babu Ram Shukla

Hon'ble Rajnish Kumar,J.

Sri Neeraj Kumar Srivastava learned counsel for the petitioners submits that the petitioners have filed a suit for partition along with an application under Order 39 Rule 1 and 2 C.P.C for interim injunction, on which, notices were issued on 15.02.2023 to the defendants, who are respondents in this case and the report of the commission has also come but the application for interim injunction has not been disposed of. He further submits that the respondents are raising constructions on the land in dispute, therefore, the petitioners have moved an application under Section 151 C.P.C on 27.09.2023 but the same has also not been disposed of till date and the application has been directed to be put up on the date fixed and the next date fixed is 05.12.2023. He further submits that the petitioners thrice gave application to the Sub Divisional Magistrate for stopping the respondents from raising construction, on which he directed to the SHO concerned for removal of the problem and maintaining the peace but nothing has been done. Therefore, there is urgency in the matter and direction may be issued for the disposal of the application for interim injunction and restraining the respondents from raising construction.

Considering the nature of order proposed to be passed in the petition, the issuance of notice to the opposite parties is dispensed with.

In view of the above, since the application for interim injunction is pending and the next date fixed is 05.12.2023, on which, the application under Section 151 C.P.C has also been directed to be put up, without entering into the merits of the case, the petition is **disposed of** with a direction to the concerned court to consider and dispose of the application filed under Section 151 C.P.C on the date fixed and endeavour to decide the application for interim injunction filed by the petitioners on the said date or expeditiously thereafter, in accordance with law without granting any unnecessary adjournment to either of the parties.

(Rajnish Kumar,J.)

Order Date :- 23.11.2023/Harshita