

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 6027 of 2023

Petitioner :- Phool Byapari Kalyan Samiti Lko. And Another

Respondent :- Civil Judge North(J.D.) Lko. And 2 Others

Counsel for Petitioner :- Manish Mishra, Sunil Kumar Singh

Hon'ble Shree Prakash Singh, J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State respondents and perused the record.
2. The instant petition has been filed with the following relief:-

"i. Issue a order directing the opposite parties no.1 to consider and decide the application for stay under Order 39 Rule 1 and 2 read with Section 151 C.P.C. in suit no.880 of 2023, pending before the Civil Judge North (Junior Division) Lucknow. Copy of the application is being annexed here with as Annexure No.1 to this petition."

3. The learned counsel appearing for the petitioners submits that the matter is pending consideration since 2023. He added that the interest of justice would subserve if this Hon'ble Court would be pleased to direct the respondent no.1 to decide the application for stay under Order 39 Rule 1 and 2 read with Section 151 C.P.C. in suit no.880 of 2023 within a stipulated period of time as may be fixed by this Court.

4. The learned Standing Counsel has no objection to the contention aforesaid.

5. In view of the aforesaid innocuous prayer, the respondent no.1 i.e. Civil Judge North (Junior Division), Lucknow, is hereby directed to decide the application for stay under Order 39 Rule 1 and 2 read with Section 151 C.P.C. in suit no.880 of 2023 within a period of six months, from the date a certified copy of this order is produced before it, in accordance with law, after affording an opportunity of hearing to all the parties, if

there is no legal impediment.

6. The aforesaid order is subject to cooperation of the petitioners.

7. Accordingly, the instant petition is **disposed of**.

Order Date :- 30.11.2023

Mohd. Sharif