

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6047 of 2023

Petitioner :- Narinderjit Singh @ Narinderjit Singh Kalra

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And 7 Others

Counsel for Petitioner :- Farooq Ayoob, Mohammad Ashraf

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar,J.

Heard Sri Mohammad Ashraf learned counsel for the petitioner.

This petition has been filed for a direction to decide the Civil suit dated 19.07.2021 in Case no.348 of 2021 under Section 39 (1) and (2) for temporary injunction (Narinderjit Singh and other vs Sewakram and ors) pending in the court of Civil Judge (Senior Division) Court no.20, Barabanki.

Firstly, it is not clear as to whether the petitioner wants disposal of the suit or application under Section 39 (1) and (2). So far as the prayer in regard to the suit is concerned, this Court does not find any good ground at this stage, to direct for disposal of the case because perusal of the order sheet indicates that written statement has still not come and the petitioner has not taken any steps in this regard. So far as the application under Section 39 is concerned, no such application is brought on record and perusal of the order sheet annexed by the petitioner does not indicate that any notice has been issued on application under Section 39(1) and (2) C.P.C., therefore, it appears that no such application has been filed and, if filed, not pressed. Even otherwise, no application for interim injunction can be filed under Section 39(1) and (2) of C.P.C.

At this stage, learned counsel for the petitioner submits that the petitioner does not want to press the present petition and the petition may be dismissed as not pressed with liberty to file fresh at appropriate stage.

In view of the above, the petition is **dismissed** as not pressed with the aforesaid liberty.

As prayed by learned counsel for the petitioner, office is directed to return the certified copies of the documents annexed with the present petition to the learned counsel for the petitioner as per rules after keeping the photocopies of the same on record.

(Rajnish Kumar,J.)

Order Date :- 8.12.2023/Harshita