

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6107 of 2023

Petitioner :- Sharda Prasad And Another

Respondent :- Civil Judge (J.D.) Musafirkhana Distt. Amethi
And 2 Others

Counsel for Petitioner :- Anand Kumar Yadav, Akash Deep
Singh, Dilip Kumar Pandey

Hon'ble Rajnish Kumar, J.

Shri Dilip Kumar Pandey, learned counsel for the petitioner at the very outset submits that he does not want to press the prayer made for interim mandamus for cutting the crop and the petition may be dismissed in regard to the same.

Dismissed accordingly in regard to the prayer for a direction to allow the petitioner to cut the crop standing on the land in dispute.

Now the petition survives only in regard to the prayer for direction for disposal of application dated 21.11.2023 under Section 151 C.P.C. pending before the trial court.

Learned counsel for the petitioner submits that the petitioner has filed Regular Suit No.293 of 2019 for cancellation of sale deed and permanent injunction in which an interim injunction of status quo to be maintained by the parties has been granted by the Civil Judge, Junior Division, Musafirkhana, Sultanpur by means of the order dated 02.07.2022. The petitioner is in possession of the land in dispute and his crop is standing, however he is not being allowed to cut the same despite the aforesaid interim injunction, therefore the petitioner has preferred an application under Section 151 C.P.C. before the trial court on 21.11.2023 but no order has been passed on the application and the case is now fixed on 03.01.2024 and if no order is passed on the application the crop may destroy, therefore, he makes an innocuous prayer for direction for disposal of the aforesaid application within some short stipulated period. He also submits that all the defendants before the trial court have been served.

Considering the nature of the order proposed to be passed, the requirement of issuance of notice to the respondent nos.2 and 3 is dispensed with. The respondent no.1 is the court concerned.

Without entering into the merit of the case, this petition is **disposed of** with liberty to the petitioner to move the application for expeditious disposal of his application under Section 151 C.P.C. moved on 21.11.2023. In case any such application is moved within a period of three days from today, the same shall be considered by the concerned court and appropriate order shall be passed thereon in accordance with law within a further period of ten days and shall proceed accordingly as per law.

(Rajnish Kumar, J.)

Order Date :- 6.12.2023

Haseen U.