

Court No. - 3

Case :- WRIT - C No. - 11071 of 2023

Petitioner :- Anil Kumar Singh

Respondent :- State Of U.P. Thru. Addl. Chief/Prin. Secy.
Revenue Deptt. U.P. Govt. Lko. And Others

Counsel for Petitioner :- Rajneesh Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Om Prakash Shukla,J.

Heard learned counsel for the petitioner and the learned Standing Counsel.

A Suit bearing No.737 of 2023 for permanent injunction was filed by the petitioner against the private respondent in the year 2023. Along with the suit, he has also filed an application for injunction under Order 39 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. A reminder of the said direction was also issued by the letter dated 16.8.2017 bearing No.CL No.24/Admn. G-II, dated Allahabad 16.8.2017 and the 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 the present case, admittedly the injunction application is pending for more than six months. It ought to have been decided under the administrative orders of this Court within a period of six months from the date of filing of injunction application.

In view thereof, concerned Court is required to decide the injunction application of the petitioner on the next date fixed or thereafter on day-to-day basis, positively within a period of three weeks, after hearing all the parties concerned, without any unnecessary delay. He shall not grant any unnecessary adjournment including on the ground of strike of lawyers. In case the court concerned is unable to decide the injunction application on the given date, it shall record reasons for not being able to decide the injunction application.

With the aforesaid observations, the petition is disposed of.

(Om Prakash Shukla, J.) (Vivek Chaudhary, J.)

Order Date :- 18.12.2023

Arjun/-