

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6310 of 2023

Petitioner :- Virendra Kumar Pathak

Respondent :- Civil Judge (Junior Division) East, Hardoi And Another

Counsel for Petitioner :- Atul Kumar Singh

Hon'ble Rajnish Kumar,J.

Heard Sri Atul Kumar Singh, learned counsel for the petitioner.

This petition has been filed for a direction for disposal of application for interim injunction C 7 under Order 39 Rule 1 and 2 CPC filed alongwith Regular Suit No.400 of 2010(Virendra Kumar Pathak versus Chhotbhaiya Pathak) pending in the Court of Civil Judge(J.D.) East, Hardoi.

Perusal of the order sheet does not indicate that the application for interim injunction has been pressed by the petitioner after the first date, though it appears to have been listed on several dates but doesn't appear to have been pressed by the petitioner. Thereafter the suit proceeded and the evidence of the petitioner has been completed and the defendant had not produced the evidence therefore the opportunity for defendant evidence was closed by means of the order dated 06.09.2022. However, on an application for recall moved on 21.07.2023,the same has been recalled and now the case is at the evidence stage but without making any request to the concerned court showing any urgency for disposal of application for interim relief, at this stage this petition has been filed for direction for disposal of application for interim relief, which is not maintainable.

At this stage, learned counsel for the petitioner submits that the petition may be dismissed as not pressed with liberty to approach the concerned court showing urgency. However, a party can always approach the concerned court, for which no direction is required by this Court.

With the aforesaid, the petition is **dismissed** as not pressed.

Order Date :- 18.12.2023

Akanksha