

Court No. - 20

Case :- MATTERS UNDER ARTICLE 227 No. - 6329 of 2023

Petitioner :- Lallu

Respondent :- Civil Judge (Junior Division) Tarabganj, District-Gonda
And 3 Others

Counsel for Petitioner :- Vidya Kant Sharma

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioner. In view of order being passed, notices to opposite parties stand dispensed with.

Petition has been filed under Article 227 of the Constitution of India seeking a direction to court concerned for early disposal of Application for Temporary Injunction pending in Regular Suit No.1970 of 2017 instituted by petitioner for cancellation of sale deed and permanent injunction.

It has been submitted that despite almost five years having passed, the application for temporary injunction is yet pending consideration due to non-cooperative attitude of defendants due to which ex parte proceedings were also drawn against them and a Recall Application thereagainst is yet pending consideration.

Learned counsel for petitioner however submits that in the meantime, the defendants are raising construction over the property in question which would change its nature and therefore the application for temporary injunction is required to be decided at the earliest.

Considering the submissions advanced by learned counsel for petitioner and upon perusal of material on record, it does appear that ex parte proceedings have been drawn against defendants against which recall Application is pending consideration. It also appears that despite five years having passed, the

application for temporary injunction is pending consideration.

In view of urgency being indicated by earned counsel for petitioner/plaintiff, opposite party no.1 i.e. Civil Judge (Junior Division) Tarabganj, District-Gonda is directed to decide pending Application for recall of ex parte order on the next date fixed. The trial court shall also consider and decide pending Application for Temporary Injunction filed in Regular Suit No.1970 of 2017 expeditiously, preferably within a period of one month from the date a certified copy of this order is brought on record of the proceedings, or may also consider grant interim injunction in the meantime, on the next date fixed.

Benefit of this order shall be available to petitioner only in case he cooperates in early disposal of the proceedings.

With aforesaid observations, the writ petition stands disposed of.

Order Date :- 19.12.2023

kvg/-