

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6480 of 2023

Petitioner :- Riyasat Husain

Respondent :- Civil Judge (Junior Division) North Lko. And 4 Others

Counsel for Petitioner :- Syed Azizul Hasan Rizvi

Hon'ble Rajnish Kumar,J.

Syed Azizul Hasan Rizvi learned counsel for the petitioner submits that the petitioner has filed Regular Suit no.2662 of 2023 (Riyasat Husain vs Syed Ali Zamin Zaidi and ors), with an application for temporary injunction under Order 39 Rule 1 and 2 read with Section 151 CPC. Notices were issued on application for temporary injunction by means of the order dated 03.11.2023 and the service has been presumed sufficient by means of the order dated 17.11.2023 but the application for temporary injunction has not been disposed of despite an application for disposal of interim injunction application was moved on 11.12.2023, when the date was fixed for disposal of application for interim injunction but instead of disposal of application for interim injunction, the date has been fixed on 24.01.2024 for disposal of the said application, whereas there is urgency in the matter because the respondents are disturbing in peaceful possession of the petitioner despite the complaints made by the petitioner before the court of Additional Chief Judicial Magistrate.

Considering the nature of order proposed to be passed, issuance of notices to respondent nos.2 to 5 is dispensed with. The respondent no.1 is the court concerned i.e. Civil Judge (Junior Division) North, Lucknow.

Without entering into merits of the case, the petition is **disposed of** with a direction to the court concerned to consider and dispose of the application for interim injunction along with the Regular Suit no.2662 of 2023 filed by the petitioner preferably on the next date fixed and if not possible expeditiously and preferably within a period of six weeks thereafter, after affording opportunity to the parties in accordance with law and without granting any unnecessary adjournment to either of the parties.

However, in case there is urgency in the matter, it is always open to the petitioner to move an appropriate application for expeditious disposal of his application before the court concerned, which can be considered by the concerned court.

(Rajnish Kumar,J.)

Order Date :- 22.12.2023/Harshita