

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 3014 of 2024

Petitioner :- M/S Isherdas Sahni And Bros., New Delhi Thru.
Partner Mr. Mohit Sahni And Another

Respondent :- Court Of Civil Judge (Senior Division),
Mohanlalganj, Lucknow And Others

Counsel for Petitioner :- Pritish Kumar, Amal Rastogi

Hon'ble Subhash Chandra Sharma, J.

Heard learned counsel for the petitioner, learned A.C.S.C. and perused the record.

This writ petition has been filed by the petitioner with following prayer:-

"(i) To issue an order, or direction in the exercise of its supervisory jurisdiction to restrain the Respondent no. 2 to 10 from their agent, men and affiliates from erecting or demolishing any structure over the property in dispute as well as restraining them from creating any third party rights over the property in dispute till the disposal of application under order XXXIX of Rule 1 & 2 C.P.C.,

(ii) To issue an order, or direction in the exercise of its supervisory jurisdiction, directing the Civil Judge (Senior Division) Mohanlalganj, Lucknow i.e. Respondent no. 1 Court to adjudicate and decide the application under Order XXXIX Rule 1 & 2 C.P.C. of the petitioner pending before it in R.S. No. 1563 of 2024. in a time bound manner as expeditiously as possible.

(iii) Pass such other order which this Hon'ble Court may deem fit and proper in the circumstances of the case in favour of petitioner against the opposite parties in the interest of justice.

It is submitted by the learned counsel for the petitioner that in this case, a Suit no. 1563 of 2024 was filed before the Civil Court with temporary injunction application and date has been fixed on 1.7.2024 for disposal but no any interim order was passed by the learned court. There is apprehension that illegal construction will be done by the opposite party/defendant, therefore, request to direct the leaned court to decide the application for interim injunction as expeditiously as possible in accordance with law.

Learned C.S.C. has no objection in this regard.

Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, material on record, it is expedient to direct the learned trial court concerned to make its endeavour to decide the application for temporary injunction as expeditiously as possible within a period of 30 days from the production of certified copy of this order in accordance with law.

Accordingly, the present petition is ***disposed of*** finally.

Order Date :- 28.6.2024

Anurag Singh