

**Court No. - 7**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 6187 of 2024

**Petitioner :-** Rakesh Kumar Mishra Thru. His Duly Appointed Attorney  
Vinita Mishra

**Respondent :-** Dr. Pratibha Tripathi And 2 Others

**Counsel for Petitioner :-** Siddharth Nandwani

**Hon'ble Pankaj Bhatia, J.**

Heard learned counsel for the petitioner.

The present petition has been filed for the following relief(s):

*"a. Issue an appropriate order or direction setting aside the order dated 20.11.2024 passed by the learned District Judge, Civil Court Lucknow in T.A. No. 1044 of 2024 (Annexure No. 1);*

*b. Issue an appropriate order or direction directing the learned Civil Judge (S.D.), Lucknow to decide the interim injunction application preferred by the petitioner (Annexure No.3, 11) with expedition in a fixed time frame as may be fixed by this Hon'ble Court,*

*c. Issue an appropriate order or direction directing the respondents to maintain status quo with the respect to disputed property no. A-284, Indira Nagar, Lucknow-226016 till the disposal of Regular Suit No. 2433/2023 titled as 'Rakesh Kumar Mishra versus Dr. Pratibha Tripathi & Ors."*

The contention of the learned counsel for the petitioner is that on one hand, the injunction application of the petitioner is not being disposed of, on the other hand, the respondent, taking benefit of the suit forcefully entered the property and dispossessed the plaintiff from part of the property, for which an application was filed before the court below for urgent hearing on 06.11.2024 which is yet to be decided.

It is further stated that on a transfer application, the entire file is summoned and thus, the injunction cannot be decided. He further argues that summoning of the original file is contrary to the guidelines of the Hon'ble Supreme Court in case of ***Asian Resurfacing of Road Agency Pvt Ltd. & Another Vs. Central Bureau of Investigation*** in Criminal Appeal No.1375-1376 of 2013 although, the said direction has been partly set aside, the directions with regard to summoning of the original files are still continuing.

Considering the said submission, the District Judge, Lucknow is directed to remit the original file of Suit No.2433 of 2023 before the Civil Judge (Senior Division), Lucknow. The

photocopies of the same shall be retained. It is further directed that the Civil Judge (Senior Division), Lucknow shall pass orders on the injunction application of the petitioner, without granting unnecessary adjournments to any of the parties, within a period of four weeks from today.

For a period of four weeks or till disposal of the suit, whichever is later, the parties shall maintain status quo over the property in question in support of the title and possession.

The petition stands **disposed of** in the aforesaid terms.

**Order Date :-** 18.12.2024

(Manoj K.)