

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition (M/s) No. 2381 of 2013

Smt. Neelam Kundaliya

...Petitioner.

Vs

Sri Sandeep Jindal & others.

... Respondents

Hon'ble B.S. Verma, J. (Oral)

Mr.Tarun Lakhera, Advocate, holding brief of Mr. Ranjan Ghildiyal, Advocate, present for the petitioner.

Heard.

By means of this writ petition, the petitioner has sought a writ in the nature of mandamus, directing the learned Additional District Judge/In-charge Civil Judge (Sr. Div.) Vikas Nagar, Dehradun to dispose of the pending applications Paper No. 6C2 and application dated 16.07.2013, in Original Suit No. 41 of 2013, Sandeep Kumar Jindal Vs. Smt. Sushma Devi Pal & others as expeditiously as possible or within stipulated time.

The writ petition has been filed on the ground that the respondents are lingering the matter by one or the other pretext and if the interim relief application is not decided, since the exparte order is passed in the Suit, the petitioner/respondents will suffer the irreparable loss. It is contended by learned counsel for the petitioner that the objection under Section 39 (4) of C.P.C. has also been filed. The prayer made in the petition is innocuous in nature.

Considering the facts of the case, it is directed that learned Additional District Judge/In-charge Civil Judge (Sr. Div.) Vikas Nagar, Dehradun shall dispose of the

interim relief application moved by the plaintiff, after considering the objection of the defendant by a speaking and reasoned order, as expeditiously as possible preferably within a period of three months from the date of production of certified copy of this order.

With the above observation and direction, the writ petition is disposed of finally.

(B.S. Verma, J.)

31.10.2013
JM