

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER.

S.B. Civil Writ Petition No. 15337/ 2013
Hetram Vs. Lal Hans & ors.

DATE OF ORDER : 30/ 08/ 2013

HON'BLE MR. JUSTICE J.K. RANKA

Mr. Tanveer Ahmed, for the petitioner

1. By instant writ petition, the petitioner has made following prayer:-

"It is, therefore, humbly prayed that Your Lordship may graciously be pleased to accept and allow this Writ Petition and by an appropriate writ, order or direction the learned Civil Judge (Jr.Div.) Mahuwa, Distt. Dausa may be directed to decide the T.I. Application No.03/2012 on the next date of hearing or within a period of one month in the interest of justice."

2. It is pleaded by counsel for the petitioner that the application for temporary injunction was filed on 17/01`/2012 but despite of expiry of more than twenty months the application for temporary injunction has not been disposed of. It is further pleaded that though the dates are being given by the trial court on regular basis but the application has not been disposed of so far and, therefore, counsel pleads that direction may be given to the trial court to decide the temporary injunction application within a limited time frame.

3. After hearing the Id. counsel for the petitioner and perusing the material on record, this Court notices that as per the proceeding sheet provided by counsel for the petitioner, though the matter has been listed for disposal of the temporary injunction application but time has been

sought on regular basis and it is not known as to whether the petitioner or the respondent has sought time. However, the proceeding sheet reveals that time has been sought on regular basis and the same has been granted by the trial court.

4. Be that as it may, the trial court ought to have decided the temporary injunction application which is pending before it for more than one and half years and it is high time, the trial court has to assert and decide the application one way or the other. There has to be a limit of granting of adjournments even on temporary injunction application. In this view of the matter, the trial court is directed to decide the pending temporary injunction application without granting further adjournment within a period of one month from the date of the receipt of certified copy of this order and if the petitioner seeks time, the trial court is at liberty to decide the application in accordance with law.

5. With this limited observation/direction, the writ petition stands disposed of. The stay application also stands disposed of.

[J.K. RANKA], J.

Raghu/ p.2/ 15337-WP-2013.sxw

Certificate: All corrections made in the judgment/order have been incorporated in the judgment/order being e-mailed.
/ Raghu, PA.