

HIGH COURT OF MADHYA PRADESH
MP-2775-2019
(Sultan Singh and others Vs. Ashok Sharma and others)

Gwalior, Dated : 30/05/2019

Shri Sanjeev Jain, counsel for the petitioners.

This petition under Article 227 of the Constitution of India has been filed seeking a direction to the appellate court for deciding the application filed under Order 39 Rule 1 and 2 of CPC on an early date.

It is submitted by the counsel for the petitioners that earlier the appellate court had allowed the application filed by the petitioners for early hearing of the application and by order dated 17.05.2019 it was directed that the application shall be taken up for consideration during summer vacation, but in spite of that, fixed the case for reply and arguments on the application under Order 39 Rule 1 and 2 of CPC for 20.06.2019. Thereafter, another application has been filed for early hearing of the application and by order dated 20.05.2019, the appellate court preponed the date and has now fixed the case for 03.06.2019. It is submitted that the appellate court may be directed to decide the application without any further delay.

Heard the learned counsel for the petitioners.

From the order dated 20.05.2019 passed by 14th Additional District Judge, Gwalior, it is clear that the Court has already fixed the case for 03.06.2019 for reply as well as arguments on the application

under Order 39 Rule 1 and 2 of CPC.

Under these circumstances, this Court is of the considered opinion that no further direction is required to be given to the Court below.

Accordingly, this petition fails and is hereby **dismissed**.

(G.S. Ahluwalia)
V.Judge

Abhi

