

Court No. - 10

Case :- MATTERS UNDER ARTICLE 227 No. - 7640 of 2021

Petitioner :- Mehndi Lal @ Medi Lal

Respondent :- Chhedi Lal And Another

Counsel for Petitioner :- Pankaj Kumar Singh

Hon'ble Rohit Ranjan Agarwal,J.

Heard Sri Pankaj Kumar Singh, learned counsel for the petitioner.

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

"To direct the Civil Judge (Junior Division) Kaushambi to decide the Original Suit No.389 of 2021 Mehndi Lal @ Medi Lal Versus Chhedi Lal and another within time bound period."

On 21.01.2022, following order was passed:-

"The petitioner has come up with a prayer, seeking to expedite and conclude trial of Original Suit No. 389 of 2021, pending before the Civil Judge(Junior Division), Kaushambi within a determinate period of time.

Let the Civil Judge (Junior Division), Kaushambi submit a report to this Court within a week about the status and progress made in the case so far.

The report as directed above shall be submitted through the Registry on or before the next date fixed, positively.

Lay this matter as fresh again on 31.01.2022 along with a report, as directed.

Let this order be communicated to the Civil Judge (Junior Division) through the learned District Judge, Kaushambi by the Registrar (Compliance), by Monday, the 24th January, 2022."

In compliance of the order of this Court, Civil Judge (Junior Division), Kaushambi has submitted his report to the Registrar (Compliance) dated 28.01.2022, wherein it has been stated that he has joined as Civil Judge (Junior Division), Kaushambi on 12.12.2021 and the Original Suit was filed by the plaintiff petitioner on 11.06.2021 for permanent injunction. An application for interim injunction was also moved by him under Rule XXXIX Rule 1 C.P.C. which is pending.

On query being made by the Court from learned counsel as to the fact that whether such relief can be granted to the petitioner for deciding the suit within fixed time as only six months have elapsed since filing of the suit. Sri Pankaj Kumar Singh, learned counsel for the petitioner submitted that he is not pressing the

prayer made in the writ petition and his only prayer is for early disposal of the 6-C application filed along with affidavit 7-C for interim injunction which is pending before Civil Judge (Junior Division), Kaushambi.

As no useful purpose would be served in keeping the matter pending, with the consent of the parties, the matter is being disposed of at this stage without calling for counter affidavit or issuing notice to opposite party, with a direction upon Civil Judge (Junior Division), Kaushambi to expeditiously decide the interim injunction application 6-C, if there is no legal impediment and after hearing all the concerned parties, strictly in accordance with law by reasoned and speaking order, expeditiously, preferably within a period of four months from the date of production of copy of this order, downloaded from the official website of Allahabad High Court.

Writ petition stands ***disposed of***.

Order Date :- 31.1.2022

SK Goswami