

**Court No. - 8**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 1042 of 2024

**Petitioner :-** Ram Sevak

**Respondent :-** Civil Judge (Jr. Div.) Raebareli, Distt. Raebareli  
And Others

**Counsel for Petitioner :-** Bhup Chandra Singh

**Counsel for Respondent :-** C.S.C.

**Hon'ble Jaspreet Singh, J.**

Heard learned counsel for the petitioner, who has filed the instant petition seeking expeditious disposal of an application under Order 39 Rule 1 and 2 C.P.C., said to have been filed in a suit bearing No.1173/2023.

It is urged that the said application has not been heard. In the meantime, the private-respondents are raising construction.

Be that as it may, this Court at this stage is not inclined to interfere as the complete order-sheets have not been placed on record. However leaving it open for the petitioner to move an appropriate application before the trial Court for expeditious disposal of the application under Order 39 Rules 1 and 2 CPC. In case such an application is moved, the Court concerned shall consider and decide the same appropriately keeping in mind the circular issued by this Court on the administrative side applicable to the application under Order 39 Rules 1 and 2 CPC which is reproduced hereinafter:-

"However, as far as Paper No. 6C is concerned, this Court has issued a Circular Letter dated 16.8.2017, which is quoted as under:

"Through Registered Post/E-mail

From,  
Mohd. Faiz Alam Khan, HJS,  
Registrar General,  
High Court of Judicature at  
Allahabad.

To,

All the District & Sessions Judges,  
Subordinate to the High Court of Judicature at  
Allahabad.

C.L. No. 24/Admin. 'G-II' Dated: Allahabad 16.08.17

Sub: Time bound disposal of interim injunction application.

Madam/Sir

Hon'ble Court has directed that all the subordinate courts must ensure to dispose of applications of interim injunction within six months, failing which they shall have to record reasons in the order sheet.

I am, therefore, directed to request you to circulate the instant direction amongst all the Judicial Officers working under your supervision and control and to ensure strict compliance of the same in letter and spirit.

Yours faithfully,

Sd/-  
(Mohd. Faiz Alam Khan)

No. /Admin.'G-II' Dated: Allahabad 2017.

Copy forwarded for information and necessary action to:

1. The Registrar, High Court of Judicature at Lucknow Bench, Lucknow.
2. P.S. to all the Hon'ble Judges at Allahabad and also at Lucknow Bench, Lucknow to place the same before their Lordships for kind perusal.
3. The Director, Judicial Training & Research Institute, Gomti Nagar, Lucknow.
4. All the Judicial Officers posted in the Registry in Allahabad High Court and Lucknow Bench, Lucknow.
5. The Member Secretary, U.P. State Legal Services Authority, III floor, Jawahar Bhawan, Annexe Lucknow.
6. Section Officer, Admin. 'H' Section for compliance of guard file."

(Emphasis supplied)"

It is made clear that the Court has not examined the case of either of the parties on merit and the court concerned shall decide the application under Order 39 Rules 1 and 2 CPC strictly in accordance with law.

With the aforesaid observations, the petition is **disposed of**.

**Order Date :- 29.2.2024**

Rakesh/-