

Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 2737 of 2024

Petitioner :- Ram Awadh And Others

Respondent :- Mishrilal And Others

Counsel for Petitioner :- Santosh Singh

Hon'ble Alok Mathur,J.

1. Heard Sri Santosh Singh, learned counsel for the petitioner.
2. In view of the proposed order notice to private respondents is dispensed with.
3. By means of the present petition under Article 227 of the Constitution of India a prayer has been made for expeditious disposal of petitioner's interim injunction application under Order 39 Rule 1 and 2 CPC filed in Original Suit No. 419/2022 (Ram Awadh & Others Vs. Mishrilal and others), pending before Civil Judge (Jr. Div.), Tanda, Ambedkar Nagar.
4. It is urged that though the matter is being listed but for one reason or the other, the application for interim injunction under Order 39 Rule 1 and 2 CPC is not being decided.
5. After arguing the matter at some length, learned counsel for petitioner submits that trial Court may be directed to decide the application under Order 39 Rule 1 and 2 CPC in a time bound manner.
6. At this stage, no ground for urgency is made out by the petitioner, hence, this Court is not inclined to interfere in the matter under Article 227 of the Constitution of India. However, liberty is granted to the petitioner to approach the trial Court and move an appropriate application detailing urgency for expeditious disposal of application under Order 39 Rule 1 and 2 CPC, within two weeks from opening of the court after summer recess, and in case, if such an application is moved, the trial Court shall consider and decide the same within three weeks thereafter, and in case any case for urgency is made out by the petitioner, it shall pass appropriate orders thereupon, in accordance with law.
7. It is made clear that this Court has not examined the case of either of the parties on merit and the Court concerned shall decide the matter strictly in accordance with law.
8. With the aforesaid observations, the petition is **disposed of**.

(Alok Mathur, J.)

Order Date :- 31.5.2024/Ravi/