

(2006) 12 AHC CK 0129
In the Allahabad High Court

Basant Lal and Others

APPELLANT

Vs

Addl. Judge Small Causes Court and Others

RESPONDENT

Date of Decision : 07-12-2006

Acts Referred:

Citation : (2006) 12 AHC CK 0129

Hon'ble Judges : S.U. Khan, J

Bench : Single Bench

Judgement

S.U. Khan, J.—List revised. No one appears for the respondents.

2. Heard earned Counsel for the petitioner. Petitioner is defendant in O.S. No. 301 of 1995, Suresh Chandra Sharma and Anr. v. Basant Lal and Ors. In the suit application for temporary injunction was filed by the plaintiff which was rejected by the trial court. However, on Misc. appeal temporary injunction was granted. Against the said order of the appellate court, this writ petition is directed. In this writ petition on 2.5.1997 an order was passed to the following effect:

List this case in the week commencing 7.7.1997.

Till next listing of the case status quo as on today shall be maintained by the parties concerned.

3. Learned Counsel for the petitioner states that due to pendency of this writ petition judgment in suit is not being delivered. It is most unfortunate. In this writ petition proceedings of the suit have not been stayed. The only order passed in this writ petition was a direction to the parties to maintain status quo in respect of possession of the property in dispute.

4. Accordingly, this writ petition is disposed of with the direction to the trial court to decide the suit very expeditiously and in case arguments have already been heard then judgment shall be delivered as early as possible. In future the Court must be careful. If there is no stay order by the High Court then mere pendency of petition directed against orders passed on temporary injunction application

shall not be treated to be stay of proceedings of suit. In such situation it is all the more necessary to decide the suit expeditiously.

5. Until decision of the suit parties shall maintain status quo.