

(2013) 08 AHC CK 0138
In the Allahabad High Court

Chhiteswar Verma

APPELLANT

Vs

State of U.P.Thru Secy.And Others

RESPONDENT

Date of Decision : 01-08-2013

Acts Referred:

Citation : (2013) 08 AHC CK 0138

Hon'ble Judges : Sanjay Misra, J

Final Decision : Disposed Of

Judgement

Sanjay Misra, J.

Heard Sri M.K. Keshari, learned counsel for the petitioner.

Notice need not be issued to respondents, in view of the order being passed herein.

Learned counsel for petitioner states that the petitioner is plaintiff in Suit No.100 of 2013 (Chhiteswar Verma Vs. Keshari Devi & others) and has filed interim injunction application dated 20.02.2013 which is pending before the Civil Judge (Sr. Division), Ballia. A prayer has been made to issue a direction to the Civil Judge (Sr. Division), Ballia, to decide the said application expeditiously.

In so far as the relief claimed by the petitioner is concerned, no such order requires to be passed by this Court since there is no material available on record to indicate the pendency position of cases before the Civil Judge (Sr. Division), Ballia, and as to how many older cases than of the petitioner, are pending before him.

Therefore, this petition is finally disposed of by providing that the petitioner can file an expedite application before the Civil Judge (Sr. Division), Ballia, for expeditious disposal of his interim injunction application by giving reasons of urgency and in case such an expedite application is made the Civil Judge (Sr. Division), Ballia should apply his mind to the reasons set forth regarding urgency and pass orders thereupon forthwith. In case the Civil Judge (Sr. Division), Ballia,

accepts the grounds of urgency taken in the expedite application then he should ensure that any defendant who has put in appearance in the suit should be heard also on the interim injunction application paper.

However, if the trial court is of the opinion that the unserved defendants are necessarily to be heard then in that event the application of the petitioner if any for service of notice in accordance with the procedure prescribed may be considered and disposed of forthwith.

The petition is disposed of.

No order is passed as to costs.