
(2004) 01 AHC CK 0029
In the Allahabad High Court
Case No : Civil Revision No. 15 of 2004

Jagdish

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 09-01-2004

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2

Citation : (2004) 4 AWC 3433

Hon'ble Judges : N.K. Mehrotra, J

Bench : Single Bench

Advocate : J.N. Verma, for the Appellant; A.K. Mishra and V.K. Pathak, for the Respondent

Judgement

N.K. Mehrotra, J.—This is a civil revision u/s 115 of the CPC against the order dated 29.1.2004 passed by the Civil Judge (Senior Division), Lucknow on the application under Order XXXIX, Rules 1 and 2 of the CPC in Regular Suit No. 56 of 2004, Jagdish v. State of U. P. and Ors., refusing to grant interim Injunction in favour of the revisionist fixing long date for disposal of the application under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure.

2. A perusal of the impugned order goes to show that the learned civil Judge has not granted ex parte injunction and has issued notices to the defendant-respondents for disposal of the application under Order XXXIX, Rules 1 and 2 of the CPC fixing 10.2.2004. Since there is a supplementary lease in favour of the plaintiff-revisionist and the application for ad-interim injunction is to be disposed of on the next date, therefore, with the consent of the plaintiff-revisionist this civil revision is being disposed of by granting ex parte Injunction to operate till the date of final disposal of the application under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure.

3. In view of the above, the civil revision is disposed of finally with the direction that the operation of the orders dated 3.1.2004 and 14.1.2004, passed by the defendants shall remain stayed till the disposal of the pending application for ad-

interim injunction under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure. The learned Civil Judge (Senior Division), Lucknow shall dispose of the pending application expeditiously.