
(2016) 03 AHC CK 0188
In the Allahabad High Court
Case No : Misc. Single No. 5516 of 2016

Prahlad & Ors.

APPELLANT

Vs

Civil Judge (J.D) Distt. Balrampur & Ors.

RESPONDENT

Date of Decision : 15-03-2016

Acts Referred:

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

Citation : (2016) 2 CivilLJ 461

Hon'ble Judges : Anil Kumar, J.

Bench : Single Bench

Advocate : Anand Mani Tripathi, Advocate, for the Appellant; C.S.C, for the Respondent

Final Decision : Dismissed

Judgement

Anil Kumar, J.— Heard learned counsel for petitioners and perused the record.

2. Facts in brief of the present writ petition that the petitioner filed a suit for permanent injunction, registered as Regular Suit No. 503 of 2014, Prahlad and others v. State of U.P. and others in the Court of Civil judge (Jr. Div.), Balrampur, in the said suit, an application for temporary injunction under Order 39, Rule 1 and 2 C.P.C. read has been moved.

3. As per version of learned counsel for petitioner, the said application has not been decided till date on one or other pretext.

4. Learned counsel for petitioner after arguing at some length at this stage, he confines the relief to the extent that a direction may be issued to trial court/Civil judge (Jr. Div.), Balrampur to consider the application for application for temporary injunction under Order 39, Rule 1 and 2 C.P.C. moved by the petitioner on the date fixed i.e. 30.03.2016 or at an early date as the same could not be decided till date on one or other pretext without any fault on the part of the petitioner.

5. For the foregoing reasons, the writ petition is disposed of with a direction to the opposite party no.1/Civil judge (Jr. Div.), Balrampur to decide the application under Order 39, Rule 1 and 2 C.P.C. in Regular Suit No. 503 of 2014, Prahlad and others v. State of U.P. and others, on the next date i.e. 30.03.2016 and if not possible, then within a period of two weeks thereafter after hearing the parties concerned in accordance with law.

6. It is clarified that this Court has not adjudicated the claim of the petitioner on merit.