

(2011) 11 AHC CK 0255
In the Allahabad High Court
Case No : Miscellaneous Single-No. 6477 of 2011

Sunder Lal

APPELLANT

Vs

Civil Judge West District, Hardoi and others

RESPONDENT

Date of Decision : 03-11-2011

Acts Referred:

Citation : (2011) 11 AHC CK 0255

Hon'ble Judges : Anil Kumar, J

Final Decision : Disposed Of

Judgement

Anil Kumar, J.

Heard Shri Ram Bux Rawat learned counsel for petitioner and Sri Nripendra Misra holding brief of Shri Manish Kumar, learned counsel for opposite party no.1.

Notices issued to opposite party nos.2 and 3 are dispensed with.

As the controversy involved in the present case is the trivial in nature, so with the consent of learned counsel for parties the writ petition is disposed of finally at the admission stage.

Facts in brief as submitted by learned counsel for the petitioner are that Petitioner filed a Regular suit for permanent injunction against the opposite parties no. 2 and 3 alongwith application under order 39 Rules 1 and 2 Read with Section 151 C.P.C. registered as Regular Suit No.454 of 2011 pending before the Civil Judge (J.D.)/opposite party no.1.

Learned counsel for petitioner confines his prayer that opposite party no.1 may be directed to decide the pending application under Section 39 Rules 1 and 2 read with section 151 CPC pending in Regular Suit No.454 of 2011 pending before him, on or before next date fixed in the matter in question.

Learned counsel for respondent has no objection to the abovesaid prayer.

For the foregoing reasons, in the interest of justice, the writ petition is disposed

of with a direction to opposite party no.1 to consider and decide the application under Section 39 Rules 1 and 2 read with section 151 CPC pending in Regular Suit No.454 of 2011 on the next date fixed, if not possible within a further period of four weeks, thereafter, after hearing learned counsel for parties in accordance with law.