
(2013) 04 AHC CK 0287
In the Allahabad High Court
Case No : C.M.W.P. No. 23233 of 2013

Vijay Kumar Rai

APPELLANT

Vs

Civil Judge (Senior Division) and Others

RESPONDENT

Date of Decision : 25-04-2013

Acts Referred:

Citation : (2013) 99 ALR 448 : (2013) 5 AWC 5175 : (2013) 120 RD 422

Hon'ble Judges : Sibghat Ullah Khan, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Sibghat Ullah Khan, J.—This writ petition discloses horrible state of affairs about Allahabad District Court. It appears that learned trial Judges of the district court are only extending temporary injunction orders. This writ petition arises out of O.S. No. 1690 of 2008. Amarjeet v. Sunil Kumar John and others Petitioner is defendant No. 3 in the suit. On 8.12.2008, Civil Judge (S.D.), Court No. 13, Allahabad granted ad-interim injunction to the plaintiff and issued notice to the defendants. Thereafter, 35 dates have been fixed and on every date temporary injunction order is being extended. On seven dates, it is mentioned that advocates were on strike. Defendant No. 3, petitioner appeared on 20.1.2009. Through application before the trial court dated 20.1.2009 it was pointed out that earlier also O.S. No. 401 of 2007 was filed against the defendants No. 1 and 2 of the suit in question before Civil Judge (J.D.) West, Allahabad. In spite of appearance of defendant No. 3, matter is not being heard, appearance of defendant Nos. 1 and 2 is awaited and temporary injunction is being extended as a matter of course. This is callousness and apathy. Learned District Judge, Allahabad is directed to immediately look into this alarming situation and impress upon learned Judges of the trial courts that apart from extending temporary injunction orders, they are also required to decide temporary injunction applications finally. It is further directed that if on a date advocates are on strike, neither ad-interim nor time bound temporary injunction order shall ever be

extended unless plaintiff himself argues the matter in which eventuality temporary injunction application shall finally be decided. It is further directed that no prayer for grant of fresh temporary injunction order shall be considered on a date on which the advocates are on strike. One, two or three extensions of time bound ad-interim injunction are understandable but it appears that learned Presiding Officers of Allahabad Judgeship are making a sort of record.

2. It is reported that 29.4.2013 is the next date fixed. All efforts must be made to positively hear the temporary injunction application on the said date, however it is strictly directed that in case plaintiff seeks single adjournment or in case advocates are on strike on a single date, which is fixed in suit, ad-interim temporary injunction shall not be extended and an order shall specifically be passed that ad-interim order is not being extended.

3. With the above observations, writ petition is disposed of. Office is directed to send a copy of this order to the District Judge, Allahabad. Hon''ble Administrative Judge of the Allahabad may also be apprised about this order.