

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2104 of 2013

Petitioner :- Suresh Kumar Gupta

Respondent :- Deewan Manmohan Lal (Deceased), Dinesh Swaroop And 14 Others

Counsel for Petitioner :- Aklank Jain

Hon'ble Sanjay Misra, J.

Heard Sri Aklank Jain 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 Interim Injunction Application 6C/8C filed in Original Suit No. 116 of 2013 (Suresh Kumar Gupta Vs. Deewan Manmohan Lal & others) by the petitioner is pending before Civil Judge (Senior Division), Saharanpur. A prayer has been made to issue a direction to the Civil Judge (Senior Division), Saharanpur 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 (Senior Division), Saharanpur 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 Civil Judge (Senior Division), Saharanpur for expeditious disposal of the application 6C/8C of the petitioner by giving reasons of urgency and in case such an expedite application is made the Civil Judge (Senior Division), Saharanpur should apply his mind to the reasons set forth regarding urgency and pass orders thereupon forthwith in case there is no other legal impediment. In case the respondent no.1 accepts the grounds of urgency taken in the expedite application then he should ensure that the parties in the suit are heard on the application paper no. 6C/8C and its objection.

However, if the trial court is of the opinion that the unserved parties if any are necessarily to be heard then in that event after service of notice in accordance with the procedure prescribed may consider and dispose of the temporary injunction matter.

No order is passed as to costs.

Order Date :- 5.9.2013

Pravin