

**Court No. - 69**

**Case :-** WRIT - C No. - 19608 of 2023

**Petitioner :-** Indrapal Sharma And Another

**Respondent :-** Smt. Savitri Devi And 8 Others

**Counsel for Petitioner :-** Nanhe Lal Tripathi,Rahul Upadhyay

**Hon'ble Saurabh Shyam Shamshery,J.**

Heard Sri Nanhe Lal Tripathi, learned counsel for petitioners.

It appears that petitioners have rushed this Court. Admittedly, they have filed a civil suit against private respondents wherein an application under Order 39 Rule 1 of C.P.C. is also filed.

It is contended by petitioners' counsel that Trial Court is not taking up such application for decision and meanwhile, private respondents are constructing on the land in question and it will cause irreparable loss to them.

The petitioners want this Court to decide an issue which is pending before Trial Court but the same is not legally permissible.

Accordingly, prayers made by learned counsel for petitioner are rejected.

However, this writ petition is **disposed of** with a direction that Trial Court shall take all endeavour to decide the application filed under Order 39 Rule 1 C.P.C., expeditiously, in accordance with law.

**Order Date :-** 2.6.2023

Nirmal Sinha