

Court No. - 20

Case :- MATTERS UNDER ARTICLE 227 No. - 3609 of 2023

Petitioner :- Girish Chandra And 7 Others

Respondent :- The Civil Judge (S.D.) Sitapur And 7 Others

Counsel for Petitioner :- Rajiv Raman Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioners and learned State counsel appearing for opposite party no.2.

In view of order being proposed to be passed, notices to opposite parties no.1, 3 to 8 stand dispensed with.

Petition under Article 227 of the Constitution of India has been filed for preponment of hearing on the application filed by petitioner under Order 39 Rule 2-A of the Code of Civil Procedure with regard to violation of temporary injunction dated 21.09.2017 passed in Regular Suit No.213 of 2017.

It has been submitted that petitioners had filed the aforesaid regular suit for permanent injunction in which temporary injunction was granted on 21.09.2017 but since defendant/private opposite parties were violating the same, the aforesaid application under Order 39 Rule 2-A of the Code has been filed registered as Misc. Case No.98 of 2022 in which alleged contemnors have appeared but no response has been filed by them and in the meantime, the defendants are in fact raising further construction over the suit property.

He has placed reliance on Division Bench judgment of this Court passed in the case of ***Sree Ram*** versus ***State of U.P. Through Principal Secretary*** passed in ***Writ Petition No.11671(M/B) of 2010***.

Considering submissions advanced by learned counsel for petitioners, opposite party no.1 i.e. Civil Judge (Senior Division), Sitapur is directed to expedite hearing of Misc. Case No.98 of 2022; Girish Chandra & Anr. versus Sarvesh Kumar & Ors. and to conclude the same within a period of one year from the date a certified copy of this order is brought on record of proceedings.

In case the interim injunction dated 21.07.2017 passed in Regular Suit No.213 of 2017; Girish Chandra & Ors versus Satish Chandra & Ors, is existing, opposite party no.2 i.e.

Station House Officer, Police Station- Imliya Sultanpur, District Sitapur shall ensure compliance of the same.

With the aforesaid direction, petition stands **disposed of**.

Order Date :- 20.7.2023

Subodh/-