(2025) 6 ILRA 91
ORIGINAL JURISDICTION
CIVIL SIDE
DATED: ALLAHABAD 11.06.2023

BEFORE

THE HON'BLE PRAKASH PADIA, J.

Matters Under Article 227 No. 6055 of 2025

Jakhoo Ram ...Petitioner
Versus
Santosh & Ors. ...Respondent

Counsel for the Petitioner:
Sri Santosh Kr. Singh Paliwal

Counsel for the Respondent:

Civil Law - Injunction - Constitution of India, 1950 - Article 227 - Petitioner preferred Original Suit and in the said suit, an interim injunction was granted - respondents filed Misc. Appeal - appellate Court cancelled the interim injunction but no further direction was given to pass fresh order on the injunction application - petition disposed of directing the Court below before whom the Original Suit was pending to decide the interim injunction application afresh after providing opportunity of hearing to all the parties concerned (Para 5, 6).

Allowed. (E-5)

(Delivered by Hon'ble Prakash Padia, J.)

1. The petitoner is a plaintiff and he preferred Original Suit No.1615 of 2013 in the Court of Civil Judge (Senior Division) Azamgarh. In the aforesaid suit, an interim injunction was granted in favour of the petitioner on 21.08.2023. Aggrieved with the aforesaid order, the respondents had filed Misc.Appeal No.73 of 2023.

2. It is argued by learned counsel for the petitioner that the appellate Court has cancelled the interim injunction granted by the trial Court vide order dated 9.05.2025 but no further direction was given to the Court before whom the matter is pending to pass fresh order on the injunction application and prays that the Court before whom the matter is pending be directed to pass fresh order on the injunction application and the parties be directed to maintain status quo till the order passed on the injunction application.

3. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.

4. Heard learned counsel for the petitioner and perused the record.

5. In the facts and circumstances of the case, the present petition is disposed of directing the Court below before whom the Original Suit No.1615 of 2013is pending to decide the interim injunction application afresh within a period of two months from the date of production of certified copy of this order but after providing opportunity of hearing to all the parties concerned.

6. Till 31.07.2025 or till the decision taken on the stay application whichever is earlier, the interim order granted by the trial Court on 21.08.2023 will continue.