

(2008) 12 AHC CK 0169

Allahabad High Court (Lucknow Bench)

Case No: None

Alankar Tandon

APPELLANT

Vs

Civil Judge (Junior Division),
South, District Sultanpur and
others

RESPONDENT

Date of Decision: Dec. 1, 2008

Hon'ble Judges: Rajiv Sharma, J

Final Decision: Disposed Of

Judgement

Rajiv Sharma, J.

Heard learned counsel for the petitioner and learned Standing Counsel.

As the relief is innocuous for a direction to decide the objections filed by the petitioner expeditiously, issuance of notice to the private respondents is dispensed with.

It has been stated by the counsel for the petitioner that the opposite parties filed a Suit for permanent injunction alongwith an application for temporary injunction under Order 39 Rules 1 and 2 C.P.C., which was registered as Regular Suit No. 456 of 2006 in which objections were filed by the petitioner and the Civil Judge disposed of the said objections, against which an appeal was filed. The Appellate Authority remanded the matter to the trial Court to decide the matter expeditiously and by concealing the aforesaid facts, the opposite party No.4 again preferred a Suit for the same cause of action which was registered as Regular Suit No. 937 of 2006. The petitioner preferred objections (Annexure 7) wherein it has been mentioned that the Suit is being barred by res judicata. The dispute in Suit No. 937 of 2006 and 435 of 2006 are identical and the parties are also identical, but till date the said objections have not been decided by the trial Court.

Learned counsel for the petitioner submits that interest of justice would suffice if the trial Court is directed to decide the objections filed by the petitioner (Annexure

7) expeditiously, to which learned Standing Counsel has no objection.

In view of above, without entering into the merits of the case, the writ petition is disposed of finally with a direction to the trial Court to decide the objections (Annexure 7), in accordance with law, latest by 31.1.2009.