

Asharfi Lal Kushwaha Vs Raj Bahadur and Others

Court: Allahabad High Court

Date of Decision: Jan. 28, 2013

Acts Referred: Civil Procedure Code, 1908 (CPC) â€” Order 39 Rule 3A

Hon'ble Judges: Pankaj Mithal, J

Bench: Single Bench

Advocate: Mahesh Narain Singh and M.N. Singh, for the Appellant;

Final Decision: Disposed Of

Judgement

Pankaj Mithal, J.

In Original Suit No. 1339 of 2011 (Raj Bahadur and Others Vs. Heera Lal and Others) an ex-parte injunction was granted. Petitioner has put in appearance and filed objection but the application is not finally decided.

2. Petitioner has filed this writ petition for a direction upon Civil Judge (Junior Division)/Additional Judge, Small Causes Court, Allahabad to

consider and decide the temporary injunction application paper no. 6-C filed in aforesaid suit after considering the objections.

3. Rule 3A of Order 39 CPC stipulates that where an ex-parte injunction is granted, the injunction application should be finally decided within a

period of 30 days. It further provides that the court shall not only make endeavour to finally dispose of the interim injunction application within 30

days from the date on which the injunction was granted but where court is unable to do, it shall record its reason for such inability. In view of the

above provision, the petition is disposed of with the direction to the court concern to follow the mandate of Rule 3A of Order 39 CPC and to

ensure speedy disposal of the interim injunction application finally.