

(2011) 03 AHC CK 0333

Allahabad High Court

Case No: Writ C. No. 14034 of 1998

Ramesh Dutt and Another

APPELLANT

Vs

VIIIth Addl. District Judge and
Others

RESPONDENT

Date of Decision: March 3, 2011

Hon'ble Judges: Sibghat Ullah Khan, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

Sibghat Ullah Khan, J.

List revised. Neither any one appears for the contesting Respondent nor counter affidavit has been filed. Heard learned Counsel for the Petitioners.

2. Firstly Petitioner filed suit against the Respondent No. 3 Sri Sheetla Prasad, number of which is 1111 of 1996. In the said suit I Additional Munsif, Varanasi granted temporary injunction to the Plaintiffs. Thereafter, the Respondent No. 3 Sri Sheetla Prasad filed Suit No. 1133 of 1996 along with temporary injunction application. The ad-interim injunction was refused by the trial court / IV Additional Civil Judge (Junior Division) Varanasi, through order dated 23.11.1996 against which Sheetala Prasad filed Civil Revision No. 454 of 1996, VIII Additional District Judge, Varanasi allowed the revision on 04.04.1998 directing that until final decision on temporary injunction application both the parties shall maintain status-quo. Through the said order it was also directed that parties should take steps for consolidation of both the suits. The said judgment and order has been challenged through this writ petition operation of the impugned order was stayed through interim order passed in this writ petition on 13. 05.1998.

3. As temporary injunction in his suit (1111 of 1996) had already been granted in favour of the Petitioner hence it was not desirable to pass a temporary injunction order in the other suit (1133/96) filed by Shitla Prasad. This gave rise to two contradictory orders. Accordingly order passed by Revisional Court is set aside.

4. It is directed that if both the suits have not yet been consolidated then they shall stand consolidated by this judgment. The Court where suits are pending shall decide both the suits very expeditiously. Absolutely no unnecessary adjournment shall be granted to any of the parties and if any adjournment is granted then it must be on very heavy cost, which shall not be less than Rs. 300/- per adjournment. If Petitioner seeks more than two adjournments, interim order granted in his favour in his suit (Original Suit No. 1111 of 1996) shall stand automatically vacated.

5. With the above observations writ petition is disposed of.

6. Petitioner is directed to file certified copy of this judgment before the trial court on the next date fixed before it.