

Ashok Kumar Tripathi vs Sri Santosh Kumar Tripathi And Another on 1 April, 2025

Author: Rohit Ranjan Agarwal

Bench: Rohit Ranjan Agarwal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44778

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 2819 of 2025

Petitioner :- Ashok Kumar Tripathi

Respondent :- Sri Santosh Kumar Tripathi And Another

Counsel for Petitioner :- Brijesh Kumar Singh,Vijay Kumar Ojha

Hon'ble Rohit Ranjan Agarwal,J.

This is a defendant's petition.

In the suit instituted by plaintiff-respondent no.1, an application for grant of temporary injunction was moved under Order 39 Rule 1 & 2 CPC, which was registered as Paper No.6-C. Notices on the said application were issued fixing 05.02.2025. In the meantime, the plaintiff-respondent moved an application under Section 151 CPC for grant of ad-interim injunction during pendency of the application 6-C, as the defendant was transferring the property.

Another application was moved on 03.02.2025 for grant of ad-interim injunction. The Court below after recording satisfaction had granted an ad-interim injunction restraining the defendant from transferring the property in question during pendency of 6-C application.

Learned counsel for the petitioner has submitted that the petitioner/defendants no.2 had appeared before the Court on 10.02.2025. He further contends that he is not sure as to whether the objections to 6-C application was filed or not. He further contends that this is the subsequent suit which has been instituted by the plaintiffs concealing the fact that earlier a suit has been filed by the plaintiff-respondent no.1.

As no useful purpose would be served in keeping the matter pending, or calling for counter affidavit as only ad-interim injunction has been granted during pendency of the application for grant of temporary injunction (6-C), the petitioner is granted a week's time to file objections to the application 6-C. The Court below is further directed to proceed with 6-C application and take a final call, after hearing all the concerned parties, strictly in accordance with law expeditiously preferably within a period of one month from the date of production of certified copy of this order, considering the objections moved by the petitioner/defendant no.2.

With the aforesaid observations, present writ petition stands disposed of.

Order Date :- 1.4.2025 SK Goswami