



2026:AHC-LKO:40122

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 3125 of 2026

Dr. Aishwarya Pundir

.....Petitioner(s)

Versus

Dr. Harish Chandra Singh

.....Respondent(s)

Counsel for Petitioner(s) : Nirmitt Srivastava, Aakchad Nath,
Rama Shanker Singh

Counsel for Respondent(s) :

Court No. - 4

HON'BLE SYED QAMAR HASAN RIZVI, J.

C.M. Application No. NIL of 2026

1. Sri Rama Shankar Singh, learned counsel for the applicant/petitioner has filed instant application for amendment in the petition, in the Court, today.

2. By means of the present application, the applicant/petitioner has prayed for following amendments in the prayer clause 2 of the petition:-

"(A) In the first line after the word 'aside' and before the word 'the', the words 'the part of' be permitted to be written.

(B) In the second line after the date '22.04.2026' and before the word 'passed', the words 'only with respect to the' application under Order XXXIX Rule 1 and 2 C.P.C. bearing Paper No. (C-6) be permitted to be written.

3. Submission of the learned counsel appearing on behalf of the applicant/petitioner is that the proposed amendment is formal in nature and does not change the nature of the petition in any manner whatsoever. He further submits that no prejudice shall be caused to the opposite party, if the present amendment application is allowed.

4. Taking into consideration the nature of the amendment sought, the instant application is **allowed**.

5. Learned counsel appearing on behalf of the applicant/petitioner is permitted to carry out necessary amendments in the petition during the course of the day.

6. Office is directed to allot number to the aforesaid application.

Order on petition

1. Heard Sri Rama Shankar Singh, learned counsel for the petitioner and perused the material available on record.

2. By means of the present petition, the petitioner has prayed for setting aside the impugned order dated 22.04.2026 only with respect to the order passed on the application under Order XXXIX Rule 1 and 2 of C.P.C. bearing Paper No. (C-6) passed by the learned Civil Judge (Senior Division), Lucknow in Regular Suit No. 1003 of 2026 (Aishwarya Pundir Versus Dr. Harish Chandra Singh).

3. The contention of the learned counsel appearing on behalf of the petitioner is that the petitioner being a bonafide lessee is in peaceful, continuous and lawful possession of the suit property. It is contended on behalf of the petitioner that since the inception of her lawful possession over the suit property in the year 2021, the petitioner has been regularly paying the agreed rent to the opposite party without any default.

4. Submission of the learned counsel for the petitioner is that the petitioner is a Doctor by profession and is running a medical clinic in the premises in question, wherein approximately ten persons as staff and attendants have been employed and several sophisticated and expensive medical and cosmetic equipment required for carrying out specialized procedures and treatments for patients are stalled. It is alleged by the learned counsel for the petitioner that opposite party extended threats to the petitioner to close down her clinic and remove her business from the suit property. Being aggrieved by the aforesaid threats of dispossession from the suit property, the petitioner preferred a suit for permanent injunction before the Court learned Civil Judge (Senior Division), Lucknow, which was registered as Regular Suit No. 1003 of 2026.

5. It is further submitted on behalf of the petitioner that an application

under Order XXXIX Rule 1 and 2 CPC duly supported by an affidavit was filed along with the suit, *inter alia* seeking relief that the opposite parties, their agents, servants and relatives may be restrained from interfering with the peaceful possession of the petitioner over the suit property. On the said application, the learned Additional Civil Judge (Senior Division) Court No. 41, Lucknow vide order dated 22.04.2026 issued notice to the defendants/opposite party and fixed the case for the disposal of application (C-6) on 21.05.2026. It is urged by the learned counsel for the petitioner that despite the fact that petitioner by means of the said application, specifically brought to the notice of the Court, the grave urgency and threats extended by the opposite party, the learned Court below merely issued notice on the application filed under Order XXXIX Rule 1 and 2 CPC and invited objections fixing 21.05.2026, without granting any immediate *ad-interim* protection to the petitioner.

6. It is also brought to the notice of this Court, by the learned counsel for the petitioner that on the date fixed i.e. 21.05.2026, owing to the resolution passed by the concerned Bar Association calling for closure of regular Court functioning on account of the continuing abstention from judicial work, the matter could not be heard on the aforesaid date. It is further stated by the learned counsel for the petitioner that due to the strike and abstention from the judicial work by the members of the Bar the petitioner has been deprived of timely adjudication of her application for interim injunction pending before the learned Trial Court and in such exceptional, compelling and extraordinary circumstances, the petitioner has been rendered virtually remedy-less and is left with no other efficacious, speedy or alternative remedy except to invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India for immediate protection of her lawful, peaceful and settled possession over the suit property and to safeguard the continued functioning of her clinic and business establishments from the illegal act and high-handed conduct of the opposite party.

7. Learned counsel appearing on behalf of the petitioner has informed that the next date fixed for the disposal of the aforesaid application for *ad-interim* injunction filed under Order XXXIX Rule 1 and 2 CPC., is 27.07.2026.

8. Owing to the fact that during the summer vacations, there is no routine functioning of the Courts and the threat perception of the petitioner during this period more particularly when the functioning of the Civil Court is affected on account of the strike by the Bar Association, the interest of the litigant can be mitigated by passing an order of *status quo* till the next date fixed in the case before the learned Court below.

9. Looking to the exceptional situation, this Court is of the view that the present petition can be disposed of with a direction to the learned Court of Additional Civil Judge (Senior Division), Court No. 41, Lucknow to pass appropriate orders on the pending application Paper No. (C-6) under Order XXXIX Rule 1 and 2 of CPC, with expedition without granting any unnecessary adjournments to the concerned parties, subject to the proper cooperation of the petitioner in the disposal of the said application.

10. Accordingly, the present petition is **disposed of**, with the direction that *status quo*, as of today, in respect of the nature and possession of the property in question, shall be maintained by the parties till the next date fixed in the case before the learned Court below i.e. 27.07.2026. It is made clear that the concerned Court shall dispose of the application under Order XXXIX Rule 1 & 2 of C.P.C. (C-6) on merits, after affording due opportunity of hearing to the concerned parties, strictly in accordance with law without being influenced or prejudiced by the order of *status quo* passed herein by this Court.

June 3, 2026
Arun

(Syed Qamar Hasan Rizvi,J.)