



2026:AHC:64498

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 3958 of 2026

Mohd Aslam

.....Petitioner(s)

Versus

Mukhtiyar Ahmad And 11 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Satya Prakash Mishra
Counsel for Respondent(s)	:	

Court No. - 5

HON'BLE VIKAS BUDHWAR, J.

1. Heard Shri Satya Prakash Mishra, learned counsel for the plaintiff-petitioner.
2. In view of the order, which is being proposed to be passed today, notices are not being issued to the respondents.
3. The case of the plaintiff-petitioner is that on an apprehension that the defendant-respondents were alienating property being Gata No. 132 measuring 0.4810 hectares situate at village Nawada Shekhan, Bahra Chungi Pargana Tehsil, District- Bareilly. The plaintiff-petitioner instituted O.S. No. 609 of 2025 (Mohd Aslam v. Tahir Ali and others) and since the application under Order XXXIX Rule 1 and 2 CPC was not being decided so the plaintiff-petitioner preferred Writ-C No. 34581 of 2025 (Mohd. Aslam v. State Of U.P. And 9 Others) in which on 13.10.2025, the following orders have been passed:

"1. Heard Sri Satya Prakash Mishra, learned counsel for the petitioner and Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel for the State respondents.

2. By means of this petition filed under Article 226 of the Constitution petitioner has prayed for the following relief:-

"i. a writ, order or direction, in the nature of mandamus commanding and directing respondent no. 2 and 3 to restrain the private respondents for sale the property of Gata No. 132 measuring area 0.481 hectare situated in village Nevada Shekha, District Bareilly till disposal of application filed under Order XXXIX Rule 1 & 2 C.P.C. in Suit No. 609 of 2025

(Mohd. Aslam vs. Tahir Ali and others.)"

3. Learned counsel for the petitioner submits that defendants in the suit have already put in appearance and filed their objection.

4. Learned Additional Chief Standing Counsel has no objection in the event petitioner's temporary injunction application is directed to be disposed of by the court concerned in accordance with law.

5. In view of the above, we dispose of this petition, with a direction to the trial court concerned to dispose of Order 39 Rule 1 & 2 CPC application in a pending suit being Suit No. 609 of 2025 as expeditiously as possible, positively within a period of four weeks from the date of production of certified copy of this order.

6. Until such disposal the parties to the suit are restrained from creating any third party right in respect of the suit property. However, this interim protection granted shall abide by the final outcome of the injunction application/Order 7 Rule 11 application."

4. Thereafter on 03.12.2025, the Section 6(Ga) application came to be rejected on 03.12.2025 against which the plaintiff-petitioner preferred FAFO No. 322 of 2026 (Mohd Aslam v. Tahir Ali and 6 others) in which on 27.02.2026, the following orders have been passed:

"Heard learned counsel for the parties.

By means of present appeal, the appellant is assailing the order dated 3.12.2025 passed by Civil Judge (S.D.). F.T.C. Bareilly in Original Suit No. 609 of 2025 by which 6 C application filed by the appellant has been rejected.

Learned counsel for the appellant submits that on the basis of power of attorney dated 9.1.2015, Sadakat Hussain has executed an agreement to sale in favour of the petitioner on 25.10.2016 but the sale deed could not be executed and thereafter respondent nos. 4 to 7 were making hindrance in peaceful possession of the appellant therefore, the appellant has filed a suit for permanent injunction along with 6 C application, which has illegally been rejected by the impugned order.

Matter requires consideration.

Notice on behalf of respondents - 4 to 7 has been accepted by Mr. Lalit Kumar Mishra.

Issue notice to the respondents- 1 to 3.

Steps be taken within two weeks.

All the respondents are granted six weeks' time for filing of counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.

List thereafter on the date fixed in the notice.

Stay application will be considered on the next date."

5. According to the plaintiff-petitioner now sale deeds have been executed so the plaintiff-petitioner had no option but to institute original suit no. 333, 334, 335, 336, 337, 338 and 339 of 2025 for cancellation of the sale deed.

6. Prayer in the present petition is for disposal of the suit in time bound manner.

7. In the opinion of the Court, since the suits are of the year 2025 thus it is for the plaintiff-petitioner to press for disposal of the application under Order XXXIX Rule 1 and 2 CPC and for disposal of the suit. The Court has no reason to disbelieve that the suit shall be decided as per the roaster with most expedition..

8. In view of the above, this writ petition stands **disposed of**.

March 28, 2026

Ashu

(Vikas Budhwar,J.)