RAJASTHAN HIGH COURT

Before :- Mahesh Chandra Sharma, J.

S.B. Civil Misc. Appeal No. 2002/2011. D/d. 03.05.2011.

Sanskriti Group of Institutions (Run by Sanskrit Society for Education, Research & Development) - Appellant

Versus

India International Technical Institute - Respondent

Citation : 2011(47) PTC 164

For the Appellant :- Mr. S.C. Maheshwari, Sr. Advocate with Ms. Sandhya Goswami, Advocate and Mr. H.C. Ganeshia and Mrs. Chitra Goyal, Advocates.

For the Respondent :- Mr. **G** . **D** . **Bansal** , Advocate.

Civil Procedure Code, 1908 Order 43 Rule 1(r) - Temporary injunction - Grant of - Present appeal against same - Suit pending - If the trial court does not decide the suit within the time fixed by this court i.e. three months, the Presiding Officer of the trial court will remain present before this court regarding his non-compliance of the order of this court and submit his view point why the civil suit is not decided within the time fixed by this court - Order of the trial court dated 22.2.2011 will remain stayed till the final decision of the suit pending before the trial court - Appeal dismissed.

[Paras 3 and 4]

JUDGMENT

Mahesh Chandra Sharma, J. - This appeal has been filed under Order 43 Rule 1(r) Civil Procedure Code against the order dated 22.2.2011 passed by Addl. District Judge No. 5 Jaipur City, Jaipur in Misc. Case No. 15/2011 whereby temporary injunction application filed by the plaintiff was partly allowed and the defendant was restrained from using the name of Sanskrit in its Educational institutions till the disposal of the suit.

2. Without going into the merits of the case Mr. S.C. Maheshwari, Senior Advocate, appearing for the appellant-defendant made a request to chin court that in the interest of justice this matter may be decided on the following points :

> (i) The trial court may be directed to conclude the trial of the suit pending before it within a period of three months from the date of receipt of certified copy of the order of this court.
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> (ii) The operation of the order dated 22.2.2011 passed b,v the Additional District Judge No. 5 Jaipur city Jaipur in Misc. Case No. 15/2011 may be stayed till the disposal of the main suit, which is pending before the trial court.

3. On the other hand, Mr. G.D. Bansal, learned counsel appearing for the plaintiff-respondent has given out that he is under the impression that trial court will not conclude

the trial within a period of three months for that purpose specific directions may be given to the trial court for concluding the trial within the time frame work so that the interest of the plaintiff may be safeguarded. For that purpose he requested that the dates given by the trial court may be preponed. For safeguarding the interest of the parties, the trial court is directed to follow the following directions:

> (i) The defendant shall submit their written statement on or before 16.5.2011.
> (ii) The trial court may frame the issues on 23.5.2011. Thereafter the plaintiff will be given 20 days time to submit his evidence and will conclude his evidence before completion of 20 days. After 20 days the defendant shall be given 20 days time to submit its evidence and conclude it within the time. frame work,
> (iii) Thereafter the trial court will conclude the trial and decide the suit as per the time fixed by this court i.e. within a period of three months.
> (iv) If the trial court does not decide the suit within the time fixed by this court i.e. three months, the Presiding Officer of the trial court will remain present before this court regarding his non-compliance of the order of this court and submit his view point why the civil suit is not decided within the time fixed by this court.
> (v) This matter will be posted even during vacations also.
> (vi) Both the parties are directed to appear before the trial court on 9.5.2011.

4. With the aforesaid directions, this misc. appeal is disposed of and the order of the trial court dated 22.2.2011 will remain stayed till the final decision of the suit pending before the trial court.

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