

Mr. Rahul G. Tanwani, Adv.
Mr. Amit Sharma, Adv.
Mr. Santosh Kumar, Adv.
Mr. Praneet Pranav, Adv.
Mr. Gautam Singh, Adv.

for R-5

Mr. P.V. Yogeswaran, AOR
Mr. Ashish Kumar Upadhyay, Adv.
Sibi Kargil, Adv.
Ms. Kantha Prabu, Adv.
Mr. Y.Lokesh, Adv.

Intervenor

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Barun Kr Sinha, Adv.
Mr. Rakesh Mudgal, Adv.
Ms. Pratibha Sinha, Adv.
Mr. Mudit Kaul, Adv.
Ms. Baby Devi Bonia, Adv.
Mr. Abhishek, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Having regard to the complexity of the issues involved in the suit and their sensitivity, we are of the considered view that the suit pending before the Civil Judge, Senior Division, Varanasi (Civil Suit No 693 of 2021) should be tried before a senior and experienced judicial officer of the Uttar Pradesh Higher Judicial Service.
- 2 We accordingly order and direct that:
 - (i) Civil Suit No 693 of 2021 shall stand transferred from the file of the Civil Judge, Senior Division, Varanasi to the court of the District Judge, Varanasi for trial and all interlocutory and ancillary proceedings in the suit shall be addressed to and decided by the court of the District Judge;
 - (ii) The application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure 1908¹ shall be decided on priority by the District Judge

upon the transfer of the suit;

- (iii) Since parties are appearing on notice, all orders in the suit shall be passed upon hearing the parties;
- (iv) The interim order of this Court dated 17 May 2022 shall continue to remain in operation pending the disposal of the application under Order VII Rule 11 CPC and thereafter for a period of eight weeks so as to enable any party which is aggrieved by the order of the District Judge to pursue its rights and remedies in accordance with law;
- (v) Unless adequate arrangements for ensuring the due observance of Waju have already been made by the District Magistrate, we direct the District Magistrate, in consultation with the parties, to ensure that appropriate arrangements are made for the religious observance; and
- (vi) The order passed by the Civil Judge, Senior Division, Varanasi on 16 May 2022 shall stand subsumed by the terms of the order of this Court dated 17 May 2022, pending further orders.

3 These proceedings shall be listed on 21 July 2022.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(RENU KAPOOR)
COURT MASTER