

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (M/S) No. 3394 of 2023**

Ramesh Chandra Sharma ...Petitioner/plaintiff

Versus

Karam Chand & others ....Respondents/defendants

Presence:-

Ms. Shruti Joshi, learned counsel for the petitioner.

Mr. Yogesh Chandra Tiwari, learned Standing Counsel  
for the State of Uttarakhand.

**Hon'ble Pankaj Purohit, J. (Oral)**

Pursuant to the previous order dated 13.12.2023, the Assistant Collector, First Class, Kaladhungi, District Nainital is present before this Court alongwith the original record of the Revenue Suit No.22/67 year 1984-85 *Ramesh Chandra Sharma Vs. Karam Chand and others.*

**2.** The Assistant Collector, First Class, Kaladhungi was called by this Court alongwith original records for the reason that according to the petitioner-plaintiff, the revenue suit was filed in the year 1984 and despite the expedition order passed by this Court and even after the contempt petition against the non-expediting the hearing of the suit, the suit is still pending, which necessitated the filing of the present writ petition under Article 227 of the Constitution of India.

**3.** From the perusal of the record, it reflects a chequered history in the matter. There is no denial of this fact that the suit was filed in the year 1984, but, due to filing of a transfer application in the suit, the matter remained pending since 1987-88 before the Court of Commissioner, Nainital and it is only after the said transfer application was not pressed, the suit hearing was again started in the year 1988, but, unfortunately, the suit was dismissed for default on the part of the petitioner-plaintiff.

**4.** On 22.10.1992, the revenue suit was restored, but, again, on an application moved by the respondent-defendant, vide order dated 13.05.1994, the proceeding of the revenue suit was stayed. The order dated 13.05.1994 was challenged by the petitioner/plaintiff before the Court of Commissioner, Kumaon Division, Nainital and the learned Commissioner referred the matter to the Board of Revenue vide order dated 15.02.1996. Thereafter, the Board of Revenue/Additional Chief Revenue Commissioner vide order dated 11.02.2014, quashed the order dated 13.05.1994 and directed the Revenue Court to expedite the matter as the same has already been pending since 1984.

**5.** It is informed by the Assistant Collector, First Class Kaladhungi to the Court that now issues in the matter has been framed but difficulty in the proceeding with the Revenue Suit is that application under Order 6 Rule 17 of CPC is pending for disposal, which was moved by the petitioner-plaintiff.

**6.** In this view of the matter, I do not find any lethargy of the learned trial Court in keeping the matter pending so long. But, in view of the fact that the right to get speedy justice is a fundamental right as held by Hon'ble Apex Court in various writ petitions, still a direction is required to be made to expedite the hearing of the Revenue Suit within a stipulated period.

**7.** Accordingly, the writ petition is disposed of with a direction to Assistant Collector, First Class, Kaladhungi, District Nainital to expedite the hearing of the Revenue Suit No.22/67 year 1984-85 *Ramesh Chandra Sharma Vs. Karam Chand and others* and the same shall be decided positively within a period of nine months' from today, provided that both the parties cooperate with the hearing of the Revenue Suit.

**8.** Pending application(s), if any, stands disposed of accordingly.

**(Pankaj Purohit, J.)**  
**19.12.2023**