

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 627 of 2020

Petitioner :- Pankaj Kumar

Respondent :- Arvind Phooley And Another

Counsel for Petitioner :- Dinesh Kumar Singh

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Dinesh Kumar Singh, learned counsel for the petitioner.

2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.

3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the learned Civil Judge (Jr.Div.), Robertsganj, Sonbhadra to decide the Suit No. 425 of 2016 (Pankaj Kumar versus Arvind Phooley and another) within the time frame fixed by this Court.

4. Learned counsel for the petitioner submits that plaintiff/petitioner instituted a suit, being Suit No. 425 of 2016 for cancellation of registered will deed dated 22.3.2014. Learned counsel for the petitioner submits that despite sufficient service of notice, defendant did not appear and the suit was proceeded exparte on 11.4.2017. When the suit was at the stage of recording evidence of PW-2, the defendant No. 1 has put in appearance and filed an application for recall of the order dated 11.4.2017. Thereafter vide order dated 27.7.2019 the exparte order dated 11.4.2017 was recalled. Learned counsel for the petitioner submits that suit has been filed on 17.9.2016 and the same is still pending consideration. Learned counsel for the petitioner submits that the purpose of filing present writ petition shall stands served if the appropriate directions are issued to learned Civil Judge (Jr.Div.), Robertsganj, Sonbhadra to conclude and decide the Original Suit pending since 17.9.2016, within the time frame fixed by this Court.

5. Considering the fact that the aforesaid Original Suit for permanent injunction, is pending consideration, before learned Civil Judge (Jr.Div.), Robertsganj, Sonbhadra is pending since 17.9.2016, this Court is also of the opinion that no useful purpose

would be served by keeping the writ petition pending and the same is accordingly ***disposed of*** by requiring the learned Civil Judge (Jr.Div.), Robertsganj, Sonbhadra, seized with the Original Suit No. 425 of 2016 (Pankaj Kumar versus Arvind Phooley and another) to consider and decide the case expeditiously, preferably within a period of one years from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 23.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)