

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9029 of 2023

Petitioner :- Ram Murat

Respondent :- Raj Bahadur

Counsel for Petitioner :- Manoj Kumar Yadav

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

2. This petition has been filed seeking the following relief:

"i) Pass an order under the supervisory jurisdiction of this Hon'ble Court directing the Civil Judge (Junior Division), Shahganj, Jaunpur to decide the Suit No. 1546 of 2018 (Ram Murat Versus Raj Bahadur) pending before the court of Civil Judge (Junior Division), Shahganj, Jaunpur within a specific period.

ii) issue a order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

3. It appears that the aforesaid Original Suit No. 1546 of 2018 was filed before the court of the Civil Judge (Junior Division), Shahganj, Jaunpur by the plaintiff-petitioner seeking the decree of permanent injunction against the sole defendant. It has been pointed out by the learned counsel for the petitioner that on 8.3.2019, sufficiency of the notice was recorded by the trial court. It is further stated by learned counsel that on 5.4.2019, a written statement was also filed but till now, no issues have been framed. It is contended that the trial court ought to have framed the issues and proceeded for adjudication of the matter rather than granting adjournments on the dates fixed.

4. In view of the facts narrated by the learned counsel for the petitioner, without entering into the merits, it is directed that in case the written statement has been filed by the defendant and there is no legal impediment, the trial court shall proceed to frame issues expeditiously. Thereafter, the trial court is required to proceed with the matter without granting any unnecessary adjournment to either of the parties, provided there is no legal impediment.

5. This petition is, accordingly, **disposed of**.

Order Date :- 8.11.2023

A. V. Singh

(Jayant Banerji, J.)