

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7670 of 2023

Petitioner :- Madan Lal

Respondent :- Durga Prasad And 7 Others

Counsel for Petitioner :- Mahendra Prasad Tripathi, Rajesh Kumar Singh

Hon'ble Jayant Banerji, J.

1. Heard counsel for the petitioner.

2. This petition has been filed seeking the following reliefs:-

"(i). Issue a writ, order or direction in an appropriate nature directing the Court below to decide the Original Suit No.730 of 1992 (Durga Prasad and another Vs. Ram Dular and others) pending in the Court of the learned Additional Civil Judge (Junior Division), Court No.11, Allahabad finally forthwith on day to day basis within stipulated period of time, if possible within a period of three months.

(ii) Issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances existing in the present case.

(iii) Award the cost of this petition in favour of the petitioner throughout."

3. A perusal of the order-sheet that has been filed alongwith the supplementary affidavit dated 26.07.2023 reflects that an original suit was filed on 23.04.1992 and on 20.09.2011, the issues were framed.

4. On record is a report of the In-Charge Additional Civil Judge (Junior Division), Court No.11, Allahabad dated 4.08.2023 in which it is stated that the present Judicial Officer was appointed on 04.07.2022 and is on maternity leave from 15.03.2023 till 10.09.2023. The proceedings of the case have been described and it is also stated therein that an Advocate Commissioner was appointed on 14.12.2022 and his report was received on 06.02.2023. Notices were issued to the legal representatives of the defendants on 16.01.2023. The conduct of an advocate, Sri

K.P. Tripathi, in disturbing the decorum of the court by using his mobile phone has also been referred to. It has also been stated that some applications are also pending disposal.

5. Given the fact that the aforesaid suit is pending since 1992 and the issues have already been framed in the year 2011, it is expected that the trial court would proceed to consider the matter and take to its logical conclusion without granting any unnecessary adjournments to either of the parties, provided there is no legal impediment and all the defendants are duly served with summons.

6. The petition is, accordingly, **disposed of**.

Order Date :- 7.11.2023

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(Jayant Banerji, J.)