

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9083 of 2023

Petitioner :- Sarvesh Singh And Another

Respondent :- Vikram Yadav

Counsel for Petitioner :- Devid Kumar Singh, Prateek Rai

Hon'ble Jayant Banerji, J.

Learned counsel for the petitioners prays for and is permitted to correct the year of the Case No. 613 appearing in the first prayer of the petition, during the course of the day.

Heard learned counsel for the petitioners.

This petition, as corrected, has been filed seeking the following reliefs :-

"A. To direct the Civil Judge (Sr. D.), Varanasi to decide the Case No. 613 of 2020 (Sarvesh Singh and another Vs. Vikram Yadav) which is pending in the court of Civil Judge (Sr. D.), Varanasi within stipulated period as fixed by this Hon'ble Court.

B. To direct the Civil Judge (Sr. D.), Varanasi that the defendant should not sale the property in favour of anyone other than the plaintiffs/petitioners and should not make any construction in it and not change the form of the land in dispute."

The contention of the learned counsel for the petitioners is that the aforesaid suit was filed on 20.10.2020, on which date, notices were issued. It is contended that by an order dated 10.08.2021, service of notices of the petition was found to be sufficient and thereafter on 31.8.2021, the proceedings of the suit commenced *ex parte*. The order of *ex parte* was recalled by order dated 03.11.2021 on an application 21-C filed by the defendant and, ever since, no written statement has been filed.

The contention of the learned counsel for the petitioners is that given the provisions of Section 20-C of the Specific Relief Act 1963, an expeditious disposal of the suit is warranted.

Be that as it may, since Section 20-C of 1963 Act provides for disposal of suit within the time frame specified, it is for the

petitioner to move an application before the trial court for proceeding with the matter, in case no written statement is being filed. If such an application is filed, the same would be considered by the trial court expeditiously.

The petition is, accordingly, disposed of.

Order Date :- 29.11.2023

Akram

(Jayant Banerji,J.)