

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 11723 of 2023

**Petitioner :-** Parasnath Singh And Another

**Respondent :-** Mukhram And 20 Others

**Counsel for Petitioner :-** Manish,Gajala Srivastava

**Hon'ble Ashutosh Srivastava,J.**

Heard Shri Manish, learned counsel for the petitioners.

Considering the nature of the order that is proposed to be passed the notice upon the respondents is being dispensed with.

The instant petition under Article 227 of the Constitution of India has been instituted to direct the learned Civil Judge (Jr.Div.), Ghazipur to decide the Original Suit No. 445 of 2009 (Parasnath Singh versus Mukhram) expeditiously within a time frame fixed by the Court.

Learned counsel for the petitioner submits that petitioner has filed the suit in the year 2009 and after putting appearance by the defendants in the suit, written statement has not been filed by the defendants. Learned counsel for the petitioner submits that defendants are lingering on the matter on some pretext or the another. It is further submitted that Order VIII Rule 1 of CPC clearly states that after service of summons, the written statement be filed within 30 days and Court has further provided 90 days time, but in the present case defendants are intentionally not filing the written statement.

Learned counsel for the petitioner submits that purpose of filing this writ petition would stand served if directions are issued to the Court below to decide the suit within the reasonable time fixed by this Court.

Considering the fact that the aforesaid suit, is pending consideration, before the learned Civil Judge (Jr.Div.), Ghazipur is pending since 2009, 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.), Ghazipur, seized with the Original Suit No. 445 of 2009 (Parasnath Singh versus Mukhram) to consider and decide the case expeditiously, preferably within a period of 18 months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

**Order Date :-** 29.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)