

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9067 of 2023

Petitioner :- Janardan Singh

Respondent :- Chandra Shekhar Prasad Singh And 7 Others

Counsel for Petitioner :- Pradeep Kumar Rai, Prajyot Rai

Hon'ble Jayant Banerji, J.

Heard learned counsel for the petitioner.

This petition has been filed seeking the following relief:-

"1. direct Judge Small Causes Court, Varanasi to decide the suit no. 204 of 2014 (Janardan Singh Vs. Chandra Shekhar Singh and others) within stipulated time as prescribed by this Hon'ble Court."

It appears that earlier a petition under Article 227 No. 2461 of 2018 was filed by the petitioner which was dismissed on 16.4.2021 with the following order:

"Heard learned counsel for the petitioner.

Present writ petition has been filed seeking a direction to the Small Causes Court, Varanasi to decide Suit No. 204 of 2014, within a stipulated time.

Submission is that the plaintiff is 72 years of age.

Suit was filed in the year 2014. There is no sufficient ground as to why present writ petition be given preference over other old matters pending.

The petitioner is at liberty to move an application before the court below for early disposal of the suit, who shall consider the same, in accordance with law.

This writ petition is, accordingly, dismissed. No costs."

From perusal of the record, it appears that the suit for partition was filed in respect of immovable properties situated within the limits of Nagar Nigam, Varanasi, in which, as stated by the learned counsel for the petitioner, pleadings were exchanged and issues were framed. This is the second petition filed for the same cause of action which would not lie.

This petition is, therefore, **dismissed**. It is however, expected that the trial court would proceed with the case without granting any unnecessary adjournment to either of the parties, subject to

availability of time and, provided there is no legal impediment.

Order Date :- 29.11.2023

sfa/

(Jayant Banerji, J)