

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9118 of 2023

Petitioner :- Pawan Kumar Jaiswal

Respondent :- Smt. Neelam Jaiswal

Counsel for Petitioner :- Sunil Kumar Upadhyay

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 appropriate order directing the Additional Civil Judge (J.D.), Room No.10, Allahabad to decide the Original Suit No. 351 of 2018 [Pawan Kumar Jaiswal Versus Smt. Neelam Jaiswal] filed by the petitioner/plaintiff, pending before him, within stipulated period as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in accordance with law."

3. Annexure No.1 to this petition is an order dated 18.2.2021 passed in Matters under Article 227 No.893 of 2021 in which the following order has been passed:

"Counsel for the petitioner is permitted to make the necessary corrections in the prayer clause of the present petition.

The petitioner has preferred the present petition under Article 227 of the Constitution of India inter-alia with the prayer to direct the Additional Civil Judge (Junior Division) Court No. 5, District Allahabad to decide the Case No. 351 of 2018 (Sri Pawan Kumar Jaiswal vs. Smt. Nilam Jaiswal) within stipulated period.

In view of the order proposed to be passed, notice need not issue to the respondent no.2.

It is argued by learned counsel for the petitioner that since the matter is pending consideration before the court below for a long time he is suffering irreparable loss.

Heard learned counsel for the petitioner and perused the record.

In the facts and circumstances of the case, without entering into merits of the case, the present petition is disposed of finally with a direction to the court below to consider and decide the matter on its turn without granting unnecessary adjournments to either of the parties, if there is no legal impediment. "

4. Evident it is from perusal of the prayer made in this petition and the aforesaid order dated 18.2.2021 that the instant petition is the second petition filed seeking the same relief as in the earlier petition.

5. This petition is, accordingly, **dismissed** with cost of Rs. 2000/- that shall be deposited within a period of one month from today, failing which it shall be recovered by the Registrar General as fine within a month thereafter.

Order Date :- 2.11.2023

K.K.Tiwari

(Jayant Banerji, J.)