

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9120 of 2023

Petitioner :- Gopal Gupta

Respondent :- Smt. Usha Devi

Counsel for Petitioner :- Akhilesh Singh, Yogendra Yadav

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"I. Issue a order for direction to the learned court to decide the Original Civil Suit No. 1 of 2007 (Smt. Usha Devi Vs. Gopal Gupta & another) which is still pending in the court of learned Civil Judge (Junior Division), Court No. 1, Deoria within shortest span of time or expeditiously or this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case."

3. It appears that an Original Suit No. 1 of 2007 was filed by the plaintiff-respondent seeking a decree of permanent injunction with regard to the suit property. On behalf of the defendant-petitioner, it is stated that in the order-sheet, the order of the date 30.11.2007 reflects that the issues were framed but as yet, the case has not been decided. It has also been contended that the suit has been filed without compliance of Order 7 Rule 3 CPC that is to say the suit property has not been identified by the plaintiff correctly.

4. Be that as it may, since the matter is pending for more than 15 years, this Court requires the trial court to ensure that the suit proceedings are brought to its logical conclusion, without entertaining unnecessary adjournments from the parties, in case there is no legal impediment in proceeding further and all the parties are duly served with notice of the proceeding.

5. With the aforesaid observation, the petition is **disposed of**.

Order Date :- 9.11.2023

A. V. Singh

(Jayant Banerji, J.)