

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9174 of 2023

Petitioner :- Madan Mohan Singh

Respondent :- Smt. Kusama Devi And 2 Others

Counsel for Petitioner :- Raghvendra Kumar Mishra

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 or direction commanding the Civil Judge (Junior Division) Jalaun to disposal the O.S. No. 177/2021 titled as Madan Mohan Vs. Smt. Kusama Devi and others as expeditiously within 6 months.

II- Issue a order or direction directing to respondents not to create third party interest, during the pendency of above mentioned suit pending in the court of Civil Judge (Junior Division), Jalaun."

3. It appears that a suit for declaration, seeking voidance of the sale deed dated 6.12.2013 and of another sale deed dated 2.3.2021 was instituted by the plaintiff-petitioner.

4. The contention of learned counsel for the petitioner is that the case is not being decided, therefore, a direction be issued to the court for disposal of the original suit expeditiously and within six months.

5. From the record, it appears that the certified copy of the entire order-sheet has not been enclosed, and as such, it is not possible to evince the present stage of suit. However, learned counsel for the petitioner states that notice on the defendants was deemed sufficient by the court.

6. If that be so, it is for the petitioner to move an application before the court concerned for expeditious disposal of the Original Suit No. 177 of 2021 (Madan Mohan Vs. Smt. Kusama Devi and others) that is stated to be pending in the court of Civil Judge (Junior Division), Jalaun. If such an application is filed, the trial court is required to consider the same expeditiously.

7. This petition is, accordingly, **disposed of**.

Order Date :- 23.11.2023

K.K.Tiwari

(Jayant Banerji, J.)