

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9573 of 2023

Petitioner :- Afsana Begam

Respondent :- Dharmdev And 5 Others

Counsel for Petitioner :- Awashesh Kumar, Kalp Dev Mishra

Hon'ble Jayant Banerji, J.

Heard Sri Imtyaz Ahmad, Advocate (AOR No. A/I 0261/2015) holding brief of Sri Kalp Dev Mishra, learned counsel appearing for the petitioner.

This petition has been filed seeking the following relief:-

"i. To direct the learned Civil Judge/J.D. Court No. 1, Mohammadabad, District Ghazipur to decide the Case No. 98 of 2022 (Afsana Begam and others Versus Dharamdev and others) pending before him within stipulated period as directed by this Hon'ble Court."

It appears that the plaintiff-petitioner had filed suit on 11.2.2022 bearing Original Suit No. 98 of 2022 seeking a decree for cancellation of sale deed dated 18.8.1982.

It is stated by the learned counsel that the notice on the defendants has been found to be sufficient by the trial court in its orders dated 7.5.2022 and 18.11.2022 and the matter has been directed to proceed ex parte in its order dated 12.5.2023. It is the contention of the learned counsel that the case is not being decided.

A perusal of the order sheet reflects that on 8.9.2023, an application (paper No. 18C2) was filed on behalf of the defendants which was allowed on cost of Rs. 100/. The advocate appearing for the petitioner had no knowledge of the contents of this application 18C2.

In any view of the matter, given the fact that the plaint was filed in the year 2022 and nothing has been demonstrated by the learned counsel for the petitioner that the suit is being unnecessarily delayed, interference is declined and this petition is, therefore, **dismissed**.

Order Date :- 16.12.2023

sfa/

(Jayant Banerji, J)