

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9589 of 2023

Petitioner :- Ramashanker Pandey And 2 Others

Respondent :- Shivshanker Pandey And 11 Others

Counsel for Petitioner :- Ajit Kumar Pathak, Abhishek Chauhan

Hon'ble Jayant Banerji, J.

1. Heard Sri Rajesh Singh (AOR No. 0486/2012) holding brief of Sri Ajit Kumar Pathak, learned counsel for the petitioners.

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

"i. Issue a order or direction in the nature of mandamus directing the Civil Judge (Junior Division), Paschimi, Ballia to decide the Case No. 558 of 2011 (Ramashanker Pandey and others Vs. Shiv Shanker Pandey and others), pending before the court of Civil Judge (Junior Division), Paschimi, Ballia since 2011, within stipulated time frame fixed by this Hon'ble Court (Annexure No.1 to the petition)."

3. It appears that the petitioners had instituted a suit bearing Original Suit No. 558 of 2011 seeking a decree of permanent injunction on 23.7.2011 in the court of Civil Judge (Junior Division), West, Ballia. It is stated that despite passage of over more than 12 years, the suit is not being decided.

4. When queried, learned counsel for the petitioner has not been able to answer when were the issues in the matter framed and whether the notice on the defendants is sufficient. His only contention is that the parties to the suit are family members and, therefore, the suit ought to be decided expeditiously.

5. Under the facts and circumstances of the case, it would not be appropriate to issue any specific direction upon the court concerned. However, considering that the suit is more than 12 years old, 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.

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

Order Date :- 16.12.2023

sfa/

(Jayant Banerji, J)