

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10004 of 2023

Petitioner :- Ram Narain

Respondent :- Amrendra And 3 Others

Counsel for Petitioner :- Bal Ram Bind

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"I. Direct the Learned Court of Civil Judge (J.D.), Bansgaon, Gorakhpur, to consider and decide the Civil Suit No.770 of 1995 (Ritula Vs. Ram Newas & others), filed on 08.09.1995, under section 9 of the C.P.C. 1908, pending before in the Court of Learned Civil Judge (J.D.) Bansgaon, Gorakhpur, within stipulated period as per satisfaction of this Hon'ble Court.

II. Pass any other and further order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

3. It appears that an Civil Suit no. 770 of 1995 was filed seeking a decree of permanent injunction with regard to immovable property. When the matter was listed on 3.10.2023, this Court directed that a report be summoned from the District Judge as to why the case has not been decided for the last 28 years. The office has placed a report of the District Judge on record.

4. I have perused the report of the District Judge dated 12.10.2023 along with the enclosure. The Presiding Officer, Bansgaon, has stated in her report to the District Judge that she has assumed charge on 29.4.2023, whereafter, she is making attempts to decide the case expeditiously.

5. Under the circumstances, since, the trial court is seized of the matter, the relief as sought for is declined. However, it is expected that the trial court would proceed with the matter without granting any unnecessary adjournment to either of the parties provided there is no legal impediment and subject to availability of time.

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

Order Date :- 7.12.2023

A. V. Singh

(Jayant Banerji, J.)