

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10035 of 2023

Petitioner :- Ishrawati

Respondent :- Prithvi

Counsel for Petitioner :- A.T. Pandey

Hon'ble Jayant Banerji, J.

Heard learned counsel for the petitioner.

This petition has been filed seeking the following relief:

"I. Issue an order or direction, to Civil Judge, Junior Division, Maharajganj to decide the Civil Suit No.509/1999 (Prithvi Vs. Israwati & others), expeditiously within specific time."

The petitioner is defendant No.1 in the Original Suit No. 509 of 1999 (Prithvi Vs. Israwati & others), that is stated to be pending in the court of the Civil Judge, Junior Division, Maharajganj, which was filed for a decree of cancellation of the will deed dated 21.6.1983 that was registered on 28.6.1983. It is stated that the petitioner who is the defendant in the suit is suffering because of the pendency of the suit.

However, perusal of the petition reflects that the copy of the entire order-sheet has not been brought on record, to ascertain the stage at which the suit is pending.

Be that as it may, this petition is **disposed of** giving liberty to the petitioner to move an appropriate application before the Presiding Officer of the court concerned for expeditious disposal of the suit. If such an application is filed, the trial court would consider the same and endeavor to proceed with the matter without granting any unnecessary adjournment to either of the parties. If any adjournment is sought, it would be open for the trial court to impose such cost as it may deem fit.

Order Date :- 14.12.2023

K.K.Tiwari

(Jayant Banerji, J.)