

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10039 of 2023

Petitioner :- Anupam Kumar Jaiswal

Respondent :- Arun Kumar Jaiswal And 3 Others

Counsel for Petitioner :- Astitva Srivastava

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"It is, therefore, most respectfully prayed this Hon'ble Court may graciously be pleased to direct the Civil Judge (Junior Division) Mirzapur, to decide the suit no. 344/2016 (Anupam Kumar Jaiswal Vs Arun Kumar Jaiswal and others) pending before Civil Judge (Junior Division) Mirzapur filed by plaintiff/petitioner within stipulated time period as deem fit and proper by this Hon'ble court otherwise plaintiff/petitioner shall suffer from irreparable loss and injury which cannot be compensated in terms of money."

3. It appears that the petitioner filed the Original Suit No. 344 of 2016 in the court of Civil Judge (Junior Division), Mirzapur seeking a decree of partition and permanent injunction of two houses that find mention in the two Schedules of the plaint.

4. A perusal of the record of this petition reflects that the certified copy of the order-sheet has not been filed. As such, it cannot be ascertained what is the stage of the suit.

5. 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

A. V. Singh

(Jayant Banerji, J.)