Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10466 of 2023

Petitioner :- Muhammadin @ Mahammadin
Respondent :- Punit Shahi And Another
Counsel for Petitioner :- Khurshed Alam

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner.

2. The petitioner has preferred the present petition under Article 227 of the Constitution of India inter-alia with the prayer to direct the Court below to decide the Suit No.238 of 2022 (CNR No.UPEDO50003962022) (Mohdmmadin Vs. Punit Shahi and another) expeditiously.

3. It is argued by learned counsel for the petitioner that the petitioner is aged about 74 years.

4. Very recently Hon'ble Apex Court in **Special Leave Petition (Civil) No(s). 38375 of 2023 (Mohd. Faiyaz Khan vs. State of U.P. and others)** passed an order on **27.09.2023** stating therein that unless the situation is extraordinary, the Court should not direct any Court to decide any pending case in a time-bound manner. The order dated 27.09.2023 is quoted hereinbelow :-

> *"Heard the learned counsel appearing for the petitioner.*
>
> *Unless the situation is extraordinary, this Court should not direct any Constitutional Court or for that matter, any Court, to decide any pending case in a time-bound manner. It cannot be that those who afford to come this Court, get priority and others wait in the queue.*
>
> *No case for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is accordingly dismissed on ground of delay as well as on merits.*
>
> *It is for the petitioner to move the High Court for expeditious hearing of the case.*

Pending application(s) also stands disposed of."

5. From perusal of the record in transpires that nothing has been stated in the entire petition that there is any extraordinary situation nor any arguments has been made in this regard by the learned counsel for the petitioners to direct the court below to decide the aforesaid case in a time bound manner except the fact that suit is pending for last more than one year.

6. In this view of the matter, present petition is dismissed.

7. However, court below is expected to decide the aforesaid case strictly in accordance with law without granting any unnecessary adjournment to either of the parties unless there is no legal impediment and considering the age of the petitioner, i.e., 74 years at the time of fixing date.

Order Date :- 8.12.2023
saqlain

Digitally signed by :-
SYED MOHAMMAD SAQLAIN HAIDER
High Court of Judicature at Allahabad