

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10419 of 2023

Petitioner :- Smt Sadhna Gupta

Respondent :- Shri Sanjiv Kumar Sahu And 8 Others

Counsel for Petitioner :- Suchita Mehrotra, Kartikeya Saran

Hon'ble Prakash Padia, J.

1. The following order was passed on 11.10.2023:-

"1. The present petition has been filed inter-alia with the prayer to direct the Civil Judge (Junior Division), Budaun to expedite the proceedings in S.C.C. Suit No.2 of 2008 (Smt. Sadhna Gupta Vs. Ram Gopal and others) and conclude the trial expeditiously, preferably within a period of three months.

2. It reveal from perusal of the order-sheet that w.e.f. 06.07.2022 the matter was listed on various dates for final disposal but till date no final decision has been taken on the same.

3. In view of the matter and in view of the fact that suit is pending since 2008, the Civil Judge (J.D.), Budaun or before whom the proceeding of the aforesaid case is pending shall submit his comments within a week from today.

4. Put up as fresh on 18.10.2023.

5. Copy of this order be communicated by the Registrar (Compliance) before the Civil Judge (J.D.), Budaun through District Judge, Budaun within 24 hours."

2. Pursuant to the same, the report submitted by the Civil Judge (Junior Division), Badaun dated 16.10.2023 is already on record.

3. It is stated in the aforesaid report that the presiding officer has taken charge of the said court on 29.08.2023 and thereafter the file of the present case being Application No. 126 Ka was came up for hearing before the Presiding Officer for the first time on 4.10.2023. On the said date, after hearing the arguments on application 126 Ka, the next date fixed on the application on 25.10.2023. It is further stated that keeping in view the order of Hon'ble High Court, every possible effort is being made to dispose of the said file as soon as possible. Operative portion of the said report reads as follows:-

"उक्त के सम्बन्ध में ससम्मान अवगत कराना है की प्रार्थिनी द्वारा दिनांक -29.08.2023 को उक्त न्यायालय का कार्यभार ग्रहण किया गया है तथा उक्त पत्रावली दिनांक -04.10.2023 को प्रथम बार अधोहस्ताक्षरी के समक्ष प्रार्थना पत्र 126 क की सुनवाई हेतु पेश हुई थी। प्रार्थना पत्र 126 क पर

उभयपक्ष को सुनकर दिनांक-04.10.2023 को निस्तारण कर पत्रावली संशोधन प्रार्थना पत्र 115 क / आपत्ति निस्तारण हेतु दिनांक -25.10.2023 नियत की गयी है। माननीय उच्च न्यायालय के आदेश को दृष्टिगत रखते हुए उक्त पत्रावली को अतिशीघ्र निस्तारित किये जाने हेतु हर संभव प्रयास किया जा रहा है। "

4. In this view of the matter, the present petition is disposed of finally in terms of the undertaking given by the Presiding Officer as quoted above.

Order Date :- 18.10.2023

Swati