

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10651 of 2023

Petitioner :- Shri Sumit Goyal And Another

Respondent :- Shri Pramod Kumar Girdhar

Counsel for Petitioner :- Hemant Kumar

Hon'ble Prakash Padia,J.

1. The only prayer has been made by the counsel for the petitioners in the present petition to direct the court below to pass appropriate orders on the Amendment Application dated 05.12.2022 which is marked as Paper No. 48-7, copy of which is appended as Annexure-5 to the present petition.

2. It further reveals from perusal of the record that objections to the aforesaid amendment application have already been filed by the parties on 19.01.2023/ 23.02.2023, copy of which is appended as Annexure-6 to the petition.

3. Supplementary affidavit dated 09.10.2023 is placed before this Court, the same is taken on record. By way of supplementary affidavit copy of the complete order sheet has been placed before this Court. It reveals from perusal of the same that vide order dated 26.07.2023 on the aforesaid application, the date was fixed for hearing on 24.08.2023. On 24.08.2023, the direction was issued to list the case on 08.10.2023.

4. It is argued that amendments are only formal in nature.

5. 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."

6. From perusal of the record it transpires that nothing has been stated in the entire petition that there is any extraordinary situation nor any arguments have been made in this regard by the learned counsel for the petitioner to direct the court below to decide the aforesaid case in a time bound manner.

7. In this view of the matter, present petition is **disposed of**.

8. In the peculiar facts and circumstances of the case, specially in view of the fact that amendment application is formal in nature, court below is expected to decide the aforesaid case, **expeditiously** in accordance with law without granting any unnecessary adjournment to either of the parties unless there is no legal impediment.

Order Date :- 16.10.2023

Swati