

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10604 of 2023

Petitioner :- Mohd Shariq

Respondent :- Shahbuddin And 3 Others

Counsel for Petitioner :- Vibhu Rai

Counsel for Respondent :- Kusum Lata

Hon'ble Prakash Padia,J.

1. Heard Sri Vibhu Rai, learned counsel for the petitioner and Ms. Kusum Lata, learned counsel for the respondent.
2. The petitioner has preferred the present petition under Article 227 of the Constitution of India with the prayer to direct the court below to decide Application Under Order 39 Rule 7 C.P.C. read with Section 151 C.P. C. which was numbered as 18(E) filed in Original Suit No.355 of 2023 (Smt. Kesar Jahan and others Vs. Shahbuddin and others) expeditiously.
3. It is argued by learned counsel for the petitioner that Original Suit No.355 of 2023 (Smt. Kesar Jahan and others Vs. Shahbuddin and others) has been filed by three persons including the present petitioners. It is argued that in the aforesaid suit, an application Under Order 39 Rule 7 C.P.C. read with Section 151 C.P. C. has been filed by the petitioners which was numbered as 18(E). It is argued that considerable time has already been lapsed but till date no final decision has been taken in the matter prays that the Court below be directed to decide the aforesaid application expeditiously.
4. Learned counsel for the respondent has no objection if the aforesaid application has been decided expeditiously.
5. In the facts and circumstances of the case, the present petition is disposed of directing the court below before whom the matter is pending, to decide the aforesaid application, if possible, on the

next date fixed in the matter. If on account of any reason, the same could not be decided, the aforesaid application be decided within a period of two weeks thereafter but after providing opportunity of hearing to the counsel for the parties and without granting any unnecessary adjournment to any of the parties, if there is no legal impediment.

Order Date :- 6.12.2023
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