

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10709 of 2023

Petitioner :- Kedarnath Lakshmi Chand Dharmada Trust

Respondent :- Neeraj Gupta

Counsel for Petitioner :- Arpit Agarwal, Akash Gupta

Hon'ble Prakash Padia, J.

1. Supplementary affidavit filed today is taken on record.
2. The petitioner has preferred present petition inter-alia with the following prayer :-

*"i. Issue a direction commanding the Judge Small Cause Court, Bulandshahr to decide the **S.C.C. Suit No.27 of 2020; Kedarnath Lakshmi Chand Vs. Neeraj Gupta**, expeditiously, in a fixed time frame as this Hon'ble Court may deem fit to fix, without granting unnecessary adjournment to the parties."*

3. It is argued that in the present case there is extra-ordinary situation on account of which it is necessary for the court to decide the suit in question expeditiously. The extra-ordinary situation is mentioned in paragraph nos.3 to 7 of the affidavit.

4. It is argued that issues has already been framed in the suit on 15.09.2021 but till date no final decision has been taken.

5. In view of the order proposed to be passed herein, no useful purpose would be served by putting the respondent(s) to notice and keeping this petition pending before this Court. However, in case the respondent(s) feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.

6. 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."

7. The extra-ordinary situation is mentioned in the supplementary affidavit.

8. In the facts and circumstances of the case and in view of extra-ordinary situation, the present petition is disposed of directing the court concerned to decide the aforesaid case strictly in accordance with law most expeditiously and preferably within a period of six months from the date of receipt of certified copy of this order unless there is no legal impediment.

Order Date :- 17.10.2023

Pramod Tripathi