

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 10861 of 2023

Petitioner :- Smt. Fharhat @ Fharhat Israr And 2 Others

Respondent :- Shri Ammar Shamun And Another

Counsel for Petitioner :- Brij Raj, Amit Kumar

Hon'ble Ashutosh Srivastava, J.

Heard Shri Ram Sagar Yadav, Advocate, under the authority of Shri Brij Raj, learned counsel for the petitioners.

Considering the nature of the order that is proposed to be passed notice upon the respondents is being dispensed with.

Present petition under Article 227 of the Constitution of India has been filed for a direction to the Civil Judge (Senior Division) Aligarh, to decide the Original Suit No. 04 of 2019 (Smt. Fharhat Vs. Shri Ammar Shamun), expeditiously, within a time frame fixed by this Court.

Learned counsel for the petitioners submits that the Suit in question has been filed for partition of 1/3rd share in the property in question i.e. House No. 4/908, Didpur, Aligarh. Learned counsel for the petitioners submits that the plaintiff no. 1 is a widowed lady and the plaintiffs 2 and 3 are her sons. It is also contended that vide order dated 21.05.2019 service upon the defendants have been held to be sufficient. However, despite the said order neither the defendants have put in appearance nor filed their written statements.

Learned counsel for the petitioners has also invited the attention of this Court to the various orders, passed by the Court concerned, which have been brought on record as Annexure no. 2 to the petition and it is contended that various dates have been fixed for hearing, however, hearing has not been concluded.

Perusal of the order sheet, which has been brought on record as Annexure no. 2 to the petition, particularly, the order dated 14.10.2020 reflects that the date was fixed for ex-parte decision, however, the case was adjourned and thereafter the case is being fixed for ex-parte hearing since 28.10.2020.

Heard learned counsel for the petitioners and perused the record.

Taking note of the fact that the suit is proceeding ex-parte, the Court is of the opinion that it is a fit case in which the proceedings of the suit may be expedited. Accordingly, the writ petition is ***disposed of*** by requiring the Civil Judge (Senior Division) Aligarh, seized with the Original Suit No. 04 of 2019 (Smt. Fharhat Vs. Shri Ammar Shamun), to conclude and decide the same expeditiously, preferably, within a period of 6 months from the date of service of certified copy of the order of this Court.

Order Date :- 29.11.2023

Deepak/