

**Court No. - 4**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 11522 of 2023

**Petitioner :-** Manoj Kumar Pradhan And Another

**Respondent :-** Gopal Krishna Rai And 3 Others

**Counsel for Petitioner :-** Bipin Lal Srivastava

**Hon'ble Prakash Padia,J.**

1. Heard learned counsel for the petitioners and perused the record.
2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
3. The basic relief sought by the petitioners in the present petition under Article 227 of the Constitution of India is to direct the court below to decide Original Suit No.333 of 2001 (Kailashpati Pradhan Vs. Gopal Krishna Rai and another) expeditiously.
4. It is argued by learned counsel for the petitioner that earlier for the same relief, the petitioner has filed petition being Matter Under Article 227 No.348 of 2016 (Hiteshwar Pradhan @ Lallan and others Vs. Gopal Krishan & others) which was disposed of by this Court vide its order dated 03.02.2015 directing the Court concerned to decide the suit. The order dated 03.02.2015 is reproduced hereinbelow:-

*"Two connected suits being Suit Nos. 333 of 2001 and 403 of 2001 are pending before the court concerned since the year 2001 and the allegation is that the court concerned is routinely granting adjournment in the matter, in teeth of the provisions of the Code of Civil Procedure, as a result whereof, the proceedings have remained pending and consequently, a prayer has been made to expedite the proceedings of the suits.*

*Considering the above, the petition stands disposed of, directing the court concerned to expedite the proceedings of suits and to conclude the same, without granting unnecessary adjournments to either of the parties, keeping in view of the provisions of Code of Civil Procedure, by fixing short dates."*

5. It is argued that as and when the matter has been taken by the Court below, long

dates were fixed. It is argued that considerable time has already been lapsed but till date no final decision has been taken in the matter.

6. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned to decide the aforesaid suit strictly in accordance with law most expeditiously and preferably within a period of one year from the date of production of certified copy of this order but without granting unnecessary adjournment unless there is no legal impediment.

**Order Date :-** 9.11.2023

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