

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10995 of 2023

Petitioner :- Smt. Pushpa Mishra And Another

Respondent :- Virendra Kumar Sinha (Since Deceased) And 3 Others

Counsel for Petitioner :- Pramod Pathak

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioners.

2. The petitioners have preferred the present petition inter-alia with the following prayer:-

"I. direct the Judge, Small Causes Court, Varanasi to decide the S.C.C. Suit No.16 of 2014 (Smt. Pushpa Mishra and another Vs. Virendra Kumar Sinha and others) within a particular time."

3. 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."

4. From perusal of the record it transpires that the case was registered on 24.05.2014 and summons were issued to the defendants-respondents and they filed written statement on 18.02.2016. The affidavit for evidence was filed by P.W. 1 (Smt. Pushpa Mishra) on 10.05.2017. The defendants-respondents are not doing cross examination since 10.05.2017 though more than six and half years have passed and cost was also imposed.

5. In this view of the matter, present petition is disposed of directing the court

below to decide the aforesaid case strictly in accordance with law expeditiously and preferably within a period of ten months without granting any unnecessary adjournment to either of the parties unless there is no legal impediment.

Order Date :- 7.11.2023

Pramod Tripathi