

**Court No. - 4**

**Case :-** WRIT - A No. - 17992 of 2023

**Petitioner :-** Narayan Manohar Aundhekar

**Respondent :-** Gulab Devi And 2 Others

**Counsel for Petitioner :-** Gyanendra Bahadur Rai, Jitendra Kumar

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

1. The petitioner has preferred the present petition with the prayer to direct the Judge Small Cause Court Varanasi to decide the Small Cause Court Suit No.64 of 2016 (Narayan Manohar Aundhekar Vs. Gulab Devi and others) expeditiously.

2. It is argued by learned counsel for the petitioner that the petitioner is the land and owner of House No.D14/79, Terhi Neem District Varanasi and he has filed the aforesaid suit for eviction of the tenant namely Gulab Devi. It is argued that the aforesaid SCC Suit No.64 of 2016 was decreed ex-parte vide its judgement and decree dated 27.09.2017. Thereafter the tenant filed Recall Application being Case No.19 of 2018 and the aforesaid application was allowed on 03.10.2022 and the aforesaid case was restored to its original number. It is argued by learned counsel for the petitioner that the tenant-respondents have already filed their objection/written statement in the aforesaid suit but till date no final order has been passed in the matter.

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 nothing has been stated in the entire petition that there is any extraordinary situation nor any arguments have been made in this regard by the learned counsel for the petitioners to direct the court below to decide the aforesaid case in a time bound manner except the fact that suit is pending for last more than seven years.

5 In this view of the matter, present petition is dismissed.

6. However, court below is expected to decide the aforesaid case strictly in accordance with law without granting any unnecessary adjournment to either of the parties unless there is no legal impediment.

**Order Date :- 27.10.2023**  
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