

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11784 of 2023

Petitioner :- Kanpur Development Authority

Respondent :- Bharat Singh

Counsel for Petitioner :- Ashwaini Mishra

Hon'ble Ashutosh Srivastava,J.

1. Heard Sri Ashwaini Mishra, learned counsel for the petitioner.

2. The petitioner, which is a Development Authority and defendant in the Suit, has approached this court by means of the present writ petition filed under Article 227 of the Constitution of India with a prayer to expedite the proceedings of the Civil Suit No. 1278 of 1991 (Sri Bharat Singh vs. Sri Surendra Singh and others) instituted by the plaintiff-respondent in the year, 1991, which is stated to be pending in the Court of Civil Judge (Senior Division), Kanpur Nagar within a time frame fixed by this Court.

3. From the pleadings as made in the petition, it transpires that the aforesaid suit has been instituted by the plaintiff-respondents praying for relief of injunction to prevent the demolition of constructions standing over the plot in dispute.

4. Learned counsel for the petitioner has drawn attention of this Court to the order-sheet of the court below, which has been annexed as annexure-1 to the present petition and submits that the court below is seized with the matter though

the suit is pending since the year 1991. From the order sheet, it is also apparent that the petitioner has already filed written statement in the suit as far back on 05.07.1993 and the plaintiff has also filed his replication on 05.08.1993. He submits that the issues have already been framed and the suit is proceeding for evidence of the parties and the statements of some of the witnesses have already been recorded and the suit itself is at the final stage. He further submits that considering the facts that 30 years have gone by and the suit has not been brought to its logical end, indulgence of this Court under Article 227 of the Constitution of India, is warranted.

5. Having heard learned counsel for the petitioner and having gone through the records, this court is of the opinion that this is a fit case for interference. Accordingly, the writ petition is disposed of with a direction to the Court concerned to expedite the proceedings of the Suit No. 1278 of 1991 (Sri Bharat Singh vs. Sri Surendra Singh and others) pending in the Court of Civil Judge (Senior Division), Kanpur Nagar since 1991, expeditiously preferably within a period of nine months from the date of service of certified copy of this order without granting unnecessary adjournments to either of the parties in accordance with law.

Order Date :- 22.11.2023

Manoj