

Court No. - 5

Case :- MATTERS UNDER ARTICLE 227 No. - 10967 of 2023

Petitioner :- M/S Poonam Enterprises

Respondent :- Smt Shakuntala Devi And 3 Others

Counsel for Petitioner :- Manas Bhargava, Dipti Tiwari

Hon'ble Piyush Agrawal, J.

Heard learned counsel for the petitioner.

No notice be issued to the private respondents taking into consideration the nature of the order proposed to be passed.

By means of present petition the petitioner is assailing the order dated 4.3.2023 and the order dated 5.9.2023 by which application n. 125 Ga was allowed and delay has been condoned in filing the written statement of respondent no. 2 and revision filed by the petitioner has also been dismissed.

Learned counsel for the petitioner submits that though the delay has been condoned with cost of Rs. 3000/- but no sufficient cause has been shown by the respondent no. 2 for not filing the written statement within time. He further submits that only vague assertions have been accepted by the court below while allowing the application no. 125 Ga and the revisional court also has not considered the grievance of the petitioner.

After hearing the counsel for the petitioner, the Court has perused the impugned order and it appears that the Court below has not committed any illegality as such no interference is called for by this Court.

Learned counsel for the petitioner has made alternative prayer and seeking a direction to decide the original suit pending before the Judge, Small Cause Court, Court No. 2, Kanpur Nagar within stipulated period as fixed by this Court.

It is further argued by the learned counsel for the petitioner that since the matter is pending consideration and the respondents are taking unnecessary adjournments as such the petitioner is suffering irreparable loss.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands disposed of finally with a direction to the Judge, Small Cause Court, Court No. 2, Kanpur Nagar to decide Original Suit No. 1994 of 2014 (Smt. Rishhalo Devi and others Vs. Smt. Shakuntala Devi and others) in accordance with law expeditiously but certainly after giving opportunity to the parties concerned and without granting unnecessary adjournments to either of the parties, if there is no legal impediment.

It is made clear that no unnecessary adjournments shall be granted to either of the parties and in case any adjournment is sought on behalf of the parties, same shall be granted after imposing cost of Rs. 500/- per adjournment upon the party concerned with direction to deposit the same by the next date fixed.

Order Date :- 3.11.2023

Rahul Dwivedi/-