

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11174 of 2023

Petitioner :- Avnish Kumar And Another

Respondent :- Raju And Another

Counsel for Petitioner :- Pawan Kumar Tiwari

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Pawan Kumar Tiwari, learned counsel for the petitioners.
2. Considering the nature of the order proposed to be passed, notice upon the respondent -plaintiffs is being dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Judge Small Causes Court, Ghaziabad to decide the Suit No. 778 of 2020 (Raju and another vs. Avneesh Kumar and others, expeditiously, within a time frame fixed by this Court.
4. Learned counsel for the defendant-petitioners during the course of arguments has confined his prayer for a direction to the Judge Small Causes Court, Ghaziabad, to decide the Issue no. 3 which is stated to be pending consideration since 12.04.2022, and thereafter several dates have been fixed but the issue remain pending consideration till date.
5. Considering the submission advanced by the learned counsel for the defendant -petitioners and the fact that defendant petitioners have only confined the prayer for a direction to Judge Small Causes Court, Ghaziabad, to decide the Issue no. 3 which is stated to be pending consideration since 12.04.2022, and thereafter, various dates have been fixed but the issue remain pending consideration till date, this Court is also of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly ***disposed of*** by requiring the Judge Small Causes Court, Ghaziabad, seized with the Issue no. 3 which is stated to be pending consideration since 12.04.2022, to consider and decide the same expeditiously, preferably within a

period of three months, from the date of production of certified copy of order of this Court, strictly in accordance with law, without giving unnecessary adjournments to either of the parties and in view of directions, contained in Paragraph 2 of the conclusion, passed by Hon'ble Supreme Court in ***Civil Appeal No. 4296 of 2023 (Yashpal Jain versus Sushila Devi & others)*** decided on 20.10.2023.

Order Date :- 6.12.2023

Bhanu