

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 11805 of 2023

**Petitioner :-** Ramhit

**Respondent :-** Adya Prasad

**Counsel for Petitioner :-** Kamalesh Kumar Nishad, Ram Awadh Maurya

**Hon'ble Ashutosh Srivastava, J.**

1. Heard Shri Kamlesh Kumar Nishad, learned counsel for the petitioner.

2. Considering the nature of the order that is proposed to be passed, the notice upon respondent -opposite parties are being dispensed with.

3. The present petition under Article 227 of the Constitution of India has been filed to direct the Civil Judge (Junior Division) Farenda, Maharajganj to decide the Suit No. 747 of 2016 (Ramhit vs. Adya Prasad), within a time frame fixed by the Court. Although the relief for expeditious disposal of the proceedings of the Suit No. 747 of 2016 (UPMH12000841-2016) (Ramhit vs. Adya Prasad) has been prayed for.

4. Learned counsel for the plaintiff -petitioner during the course of argument has confined the relief for a direction to the court concerned to frame the issues in the suit so as to facilitate its progress.

5. In order to buttress his submission, learned counsel for the plaintiff- petitioner has invited the attention of this Court to the order-sheet of the proceedings brought on record as Annexure no. 5 to the petition to show that the petitioner and respondent have put in appearance by filing written statement /objection on 05.09.2017 and the suit thereafter was fixed for framing of the issues. He submits that several dates thereafter, have been fixed every month for the purpose of framing of the issues, but the issues have not been framed till date.

5. Under such circumstances, the prayer for appropriate direction to the court concerned has been prayed for.

6. Having heard learned counsel for the petitioner and having perused the record, particularly to the various orders passed by the learned Civil Judge (Junior Division) Farenda, Maharajganj.

Particularly to the orders subsequent to the order dated 05.09.2017, this Court find that the proceedings of the suit are unnecessarily been lingered for framing of the issues, almost more than five years have been passed by fixing dates for the said purpose.

7. In these circumstances, the Court is of the opinion that the petition can be disposed off by issuing appropriate direction to the court concerned to frame the issues and thereafter, proceed to invite evidence of the parties. Accordingly the petition is disposed of by requiring the Civil Judge (Junior Division) Farenda, Maharajganj seized with the proceedings of the Suit No. 747 of 2016 (UPMH12000841-2016) (Ramhit vs. Adya Prasad) to frame the issues expeditiously preferably on the next date fixed or within next four months from the date of service of certified copy of order of this Court to facilitate the progress of the suit.

8. With the aforesaid condition the writ petition is disposed off.

**Order Date :- 13.12.2023**

v.k.updh.