

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11797 of 2023

Petitioner :- Mohd.Shareef

Respondent :- Mustafa And 12 Others

**Counsel for Petitioner :- Kalyan Sundram Srivastava,Nag
Sundaram Srivastava**

Hon'ble Ashutosh Srivastava,J.

Heard Shri Kalyan Sundaram Srivastava , learned counsel for the petitioner.

Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Additional Civil Judge (Junior Division), Court No. 5, Allahabad, to expedite the proceedings of the Original Suit No. 142 of 2017 (Mohd. Sharif vs. Mustafa and others) within a time frame fixed by this Court.

Learned counsel for the petitioner during the course of arguments has confined the relief for a direction to the Court concerned for expeditiously framing the issues in the aforesaid Suit.

Learned counsel for the petitioner submits that Original Suit No. 142 of 2017 (Mohd. Sharif vs. Mustafa and others), has been filed by the petitioner against the respondents for permanent injunction. In the said Suit the respondents have put in appearance and have filed their written statements. On 06.03.2021, the Court concerned has issued notices to the defendant nos. 3 to 13, on 6-C application, and has directed to take steps for service and fixed 15.05.2021 for filing of written statement/6-C objection/ issues.

Thereafter several dates have been fixed but till the date issues has not been framed.

This Court has perused the order sheet of the proceedings, annexed along with the petition.

A perusal of the order sheet reveals that the Court below till date

has not framed the issues.

In view of the above, this Court is of the opinion that the petition under Article 227 can be disposed of by requiring the Additional Civil Judge (Junior Division), Court No. 5, Allahabad, seized with the Original Suit No. 142 of 2017 (Mohd. Sharif vs. Mustafa and others), to frame issues after considering the respective pleadings of the parties, expeditiously, preferably, by the next date fixed or within a period of two month from the next date fixed.

With the aforesaid observations the writ petition is ***disposed off***.

Order Date :- 22.11.2023

Pks/Deepak/