

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11500 of 2023

Petitioner :- Smt Mohini Alias Manju

Respondent :- Sanjay Singh

Counsel for Petitioner :- Raj Kumar Dhama

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Raj Kumar Dhama, learned counsel for the petitioner and perused the record.
2. Considering the nature of the order that is proposed to be passed notice upon the private respondent is being dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed for setting aside the order dated 28.08.2023 passed by Additional District and Session Judge, Court No. 9, Ghaziabad, whereby allowing the application No. 3 Ga, under Section 5 of the Limitation Act filed, in the Civil Revision assailing the order dated 06.09.2017 rejecting the application under Order 9 Rule 7 C.P.C. and dismissing the O.S. No. 2845 of 2013 (Smt. Mohini vs. Sanjay Singh).
4. Learned counsel for the petitioner has vehemently argued that the learned court below has proceeded to allow the application under Section 5 of Limitation Act even without taking into consideration the objection filed by the plaintiff/petitioner. The application under Order 9 Rule 7 of C.P.C., moved by the respondent, was rejected vide order dated 06.09.2017, and the Revision assailing the same was filed with delay of 7 months without any plausible explanation for condoning the delay and despite the said fact, the court below has proceeded to condone the delay and has directed for consideration of the revision on merits.
5. I have heard learned counsel for the petitioner and have perused the record.
6. The order sheet of the revision has been brought on record, as annexure 8 to the petition. Perusal of the same reflects that the revision was preferred on 06.04.2018 and 20.04.2018 was fixed for hearing. Thereafter, various dates were fixed for hearing of the revision. The revision is pending since 2018 and the position has

continued till disposal of application No. 3 Ga on 28.08.2023. Learned counsel for the petitioner submits that thereafter, the revision is pending for final disposal.

7. Considering the aforesaid fact the Court is of the opinion that without interfering with the impugned order dated 28.08.2023, ends of justice would stand served if direction is issued to the Additional District and Session Judge, Court No. 9, Ghaziabad, for expeditious disposal of the pending Civil Revision.

8. Accordingly, this petition is ***disposed off*** by requiring the Additional District and Session Judge, Court No. 9, Ghaziabad, to proceed with the hearing of the Civil Revision No. Nil of 2018 (Sanjay Singh vs. Smt. Mohini @ Manju), conclude the same and pass final orders expeditiously, preferably within a period of two months, from the date of production of certified copy of order of this Court, strictly in accordance with law without granting any unnecessary adjournment to either of the parties.

Order Date :- 6.12.2023
v.k.updh.