

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12717 of 2023

Petitioner :- Vinod Kumar Singh

Respondent :- State Of U.P. And 15 Others

Counsel for Petitioner :- Ganesh Kumar Verma,Navin Kumar Sharma

Counsel for Respondent :- C.S.C.,Sanjay Kumar Om

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner, learned Standing counsel for the State and Sri Sanjay Kumar Om, learned counsel for respondents.

2. The present petition has been with the prayer to direct the court below i.e. Civil Judge (J.D.) Sharki Prayagraj to decide the Civil Suit No.691 of 2023 expeditiously.

3. Preliminary objection has been raised by learned Standing counsel as well as Sri Sanjay Kumar Om, learned counsel for the respondents the since the aforesaid suit was filed in the year 2023, no direction could be issued by this Court. In this regard, learned counsel for respondents have place reliance upon a judgment of Hon'ble Apex Court in **Special Leave Petition (Civil) No(s). 38375 of 2023 (Mohd. Faiyaz Khan vs. State of U.P. and others)** passed an order on **27.09.2023** stating therein that unless the situation is extraordinary, the Court should not direct any Court to decide any pending case in a time-bound manner. The order dated 27.09.2023 is quoted hereinbelow :-

"Heard the learned counsel appearing for the petitioner.

Unless the situation is extraordinary, this Court should not direct any Constitutional Court or for that matter, any Court, to decide any pending case in a time-bound manner. It cannot be that those who afford to come this Court, get priority and others wait in the queue.

No case for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is accordingly dismissed on ground of delay as well as on merits.

It is for the petitioner to move the High Court for expeditious hearing of the case.

Pending application(s) also stands disposed of."

4. In view of the above, it is argued by learned counsel for respondents that the present petition is liable to be dismissed.
5. At this point of time, a prayer has been made by learned counsel for the petitioner to dismiss the present petition as not pressed.
6. Learned Standing counsel and learned counsel for the respondents have no objection in case the aforesaid prayer is allowed.
7. The prayer made by learned counsel for the petitioner is allowed.
8. Accordingly, the present petition is dismissed as not pressed.
9. No liberty is granted to the petitioner to file a fresh petition for the same cause of action atleast for one year.

Order Date :- 12.12.2023

S.K.