

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11791 of 2023

Petitioner :- Vidya Mani

Respondent :- Smt. Kanti Devi And 4 Others

Counsel for Petitioner :- Dhirendra Kumar Srivastava

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Dhirendra Kumar Srivastava, learned counsel for the petitioner.

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

3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Upper Civil Judge (Sr.Div.)/Fast Track Court, Allahabad to decide the Execution Case No. 02 of 2019 (Vidya Mani and others versus Sahdev Prasad and another) arising out of Original Suit No. 141 of 2004 (Vidya Mani and others versus Sahdev Prasad and another) decided on 30.11.2011 within the time frame fixed by this Court.

4. Learned counsel for the petitioner submits that the Execution Case is pending considering since 2019 and the purpose of filing present petition shall stand served if the appropriate directions are issued to Court below to conclude and decide the Execution Case, within the time frame fixed by this Court.

5. Having heard learned Counsel for the petitioner and having perused the record, this Court is of the opinion that the proceedings of execution case is liable to be expedited in view of the judgment of the Apex Court in the case of ***Rahul S. Shah Vs. Jitendra Kumar Gandhi and others, (2021) 6 SCC 418***, wherein the Apex Court has clearly laid down that execution proceedings should be brought to its logical end within 6 months from the date filing which may be extended only by recording reasons in writing for such delay.

6. In such view of the matter, this petition is ***disposed of*** requiring Upper Civil Judge (Sr.Div.)/Fast Track Court, Allahabad, seized

with Execution Case No. 02 of 2019 (Vidya Mani and others versus Sahdev Prasad and another) arising out of Original Suit No. 141 of 2004 (Vidya Mani and others versus Sahdev Prasad and another) decided on 30.11.2011 to conclude and decide the case 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 granting unnecessary adjournments to either of the parties..

Order Date :- 4.12.2023
Ravi Prakash

(Ashutosh Srivastava, J.)