

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11694 of 2023

Petitioner :- Adhya Prasad And Another

Respondent :- Chunni Lal And Another

Counsel for Petitioner :- Vidya Nath Shukla

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner and perused the record.

2. The present petition has been filed for the following relief:-

"I. To issue a order or direction and directing to the court concern, i.e., Civil Judge (Senior Division), Gorakhpur, to decide the case no.547 of 2015 (Chunni Lal Versus Adhya Prasad and others). (Annexure No.2 to this petition) within a stipulated time as fixed by this Hon'ble Court."

3. It reveals from the perusal of the record that earlier the petitioner has approached this Court by filing a petition being Matters Under Article 227 No.1444 of 2021 (Adhya Prasad and Another vs. Chunni Lal and Another), which was finally decided on 26.2.2021. The order dated 26.2.2021 is quoted as under:-

"Today the Advocates are abstaining from work. I have perused the record.

In view of the order proposed to be passed, notices need not go to the respondents.

The petitioners have preferred the present petition under Article 227 of the Constitution of India inter-alia with the prayer to direct the Civil Judge (Senior Division) Gorakhpur to decide the Suit No.547 of 2015 (Chunni Lal and another Vs. Adhya Prasad and another) expeditiously.

In the facts and circumstances of the case, without entering into merits of the case, the present petition is disposed of finally with a direction to the court below to consider and decide the matter on its turn without granting unnecessary adjournments to either of the parties, if there is no legal impediment."

4. In view of the above, this Court is of the opinion that no relief could be granted to the petitioner, as the second petition for the same relief is not maintainable.

5. In the interest of justice, the court below is directed to decide the aforesaid case as per the direction given by this Court on 26.2.2021 in Matters Under Article 227 No.1444 of 2021 (Adhya Prasad and Another vs. Chunni Lal and Another).

6. With the aforesaid, the present petition is disposed of.

Order Date :- 28.11.2023/S.K.