

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11684 of 2023

Petitioner :- Sanjay Kumar Sahu

Respondent :- Bal Kishun

Counsel for Petitioner :- Umesh Chandra Prajapati

Hon'ble Ashutosh Srivastava,J.

Heard Shri Umesh Chandra Prajapati, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed, the service of notice upon private respondent is being dispensed with.

The present petition under Article 227 of the Constitution of India has been instituted for a direction to the Civil Judge (Sr.Div.), Jhansi to decide the proceedings of Original Suit No. 25 of 2017 (Sanjay Kumar Sahu versus Bal Kishun) within a time frame fixed by this Court. A further prayer not to alienate the property in question till the final disposal of the Original Suit No. 25 of 2017 (Sanjay Kumar Sahu versus Bal Kishun) has also been prayed for.

Learned counsel for the petitioner submits that the suit has been instituted for the relief of specific performance. The defendant although had put in appearance initially, but has been avoiding the proceedings and has not been appearing. Learned counsel for the petitioner in order to emphasis his argument has invited attention of this Court to the order dated 3.9.2022 passed by the Court below to submit that the proceedings of the suit have been directed to proceed exparte against the petitioner. Thereafter, various dates have been fixed for exparte arguments. However, no final order are being passed. He, thus, submits that since the suit is proceeding exparte, appropriate direction be issued to the Court concerned to conclude the proceeding within a time frame fixed by this Court.

Having heard learned counsel for the petitioner and having perused the record, particularly, to the order-sheet of the proceedings which have been filed on record as Annexure-2 to the petition and taking note of the fact that the proceedings have been directed to proceed exparte against the sole defendant, the Court is of the opinion that it is a fit case in which direction to conclude the trial of the suit

within a time frame may be passed.

Accordingly, the petition is ***disposed of*** by requiring the learned Civil Judge (Sr.Div.), Jhansi to conclude the Original Suit No. 25 of 2017 (Sanjay Kumar Sahu versus Bal Kishun) expeditiously, preferably within a period of eight months from the date of service of certified copy of the order of this Court, without granting any unnecessary adjournments, strictly in accordance with law.

Order Date :- 28.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)