

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11685 of 2023

Petitioner :- Ubaidulla @ Mohd. Ubaidulla

Respondent :- Aas Mohammad And 3 Others

Counsel for Petitioner :- Mohd Faiz, Vijay Tripathi

Hon'ble Ashutosh Srivastava, J.

1. Heard Mohd. Faiz , 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 Civil Judge (Sr.Div.), Muzaffar Nagar to decide Succession Application No. 36 of 2019 (Ubaidulla versus Aas Mohammad and others) under Section 372 of the Indian Succession Act within the time frame fixed by this Court.
4. Learned counsel for the petitioner submits that the suit under Section 372 of the Indian Succession Act, 1946 was filed on 1.7.2019 and notices were issued to the defendants-respondents vide order dated 24.7.2019, the notices published in the newspaper were placed on record. However, since then, the defendants-respondents neither appeared nor filed their written statement and matter is unnecessary being delayed. He submits that purpose of filing present petition shall stands served if the appropriate directions are issued to the Civil Judge (Sr.Div.), Muzaffar Nagar to conclude and decide the Succession Application 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 petition can be disposed of by directing expeditious disposal of the proceedings which are unnecessarily being pending for filing of written statement by defendants upon whom the notices by publication has been effected.
6. Accordingly, the petition is ***disposed of*** by requiring the Civil Judge (Sr.Div.), Muzaffar Nagar to conclude and decide the Succession Application No. 36 of 2019 (Ubaidulla versus Aas

Mohammad and others) under Section 372 of the Indian Succession Act, within a period of six months from the date of service of certified copy of the order of this Court without granting unnecessary adjournments, in accordance with law.

Order Date :- 4.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)