

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11879 of 2023

Petitioner :- Rama Shankar And Another

Respondent :- Shiv Narayan And 3 Others

Counsel for Petitioner :- Kanhaiya Lal Tiwari

Hon'ble Ashutosh Srivastava,J.

Heard Shri Kanhaiya Lal Tiwari, learned counsel for the petitioners.

The present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the trial Court i.e. Additional Civil Judge (Junior Division) 1st, Jaunpur to decide the Misc. Case No. 08 of 2021 (Rama Shankar and another Vs. Shiv Narayan and others), within a time frame fixed by this Court.

Learned counsel for the petitioners submits that the petitioners are the defendants in a suit, being Suit No. 852 of 1990, which was instituted by the plaintiffs respondents herein, for the relief of permanent injunction. The said suit was decided ex-parte vide order dated 15.07.2016. The petitioners have preferred an application under Order 9 Rule 13 CPC which has been registered as Misc. Case No. 8 of 2021. He further submits that the notices have been issued to the respondents in the aforesaid Misc. Case No. 8 of 2021 and the respondents have also put in appearance in the proceedings. The case was fixed for hearing. However, despite several dates having been fixed the proceedings have not been concluded and therefore, the petitioner has been constrained to approach this Court with the reliefs prayed for.

In support of his submissions, learned counsel for the petitioners has invited attention of this Court to towards Annexure no. 2 to the petition i.e. order sheet of the proceedings whereunder various orders passed by the concerned Court. A perusal of the aforesaid order sheet reveals that the proceedings of the Misc. Case No. 8 of 2021 is being fixed for hearing.

The Court is of the opinion that it is a fit case in which a direction can be issued to the Court concerned to conclude the proceedings of the aforesaid case, to bring to its logical end. Accordingly, this petition is ***disposed of*** by requiring the Additional Civil Judge

(Junior Division) Ist, Jaunpur, to conclude the proceedings of Misc. Case No. 8 of 2021 (Rama Shankar and another Vs. Shiv Narayan and others) within a period of 4 months from the date of service of certified copy of this order, strictly in accordance with law.

Order Date :- 23.11.2023

Deepak/