

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11837 of 2023

Petitioner :- Idrees

Respondent :- Farid Ahmed And Another

Counsel for Petitioner :- Venu Gopal

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Venu Gopal, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed, notice upon the respondent nos. 1 and 2 is being dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the learned Civil Judge (Senior Division), Gautam Buddh Nagar, to expedite the proceedings of the Original Suit No. 124 of 2021 (Farid Ahmed vs. Idrees and another), within a time frame fixed by this Court.
4. Learned counsel for the petitioner has confined his prayer for expeditious disposal of the application under Order 7 Rule 11 C.P.C. dated 12.11.2021 (paper no. 28 Ka) within a time frame fixed by this Court.
5. Learned counsel for the petitioner submits that the petitioner is defendant in the aforesaid suit and has filed an application for rejection of the plaint under Order 7 Rule 11 (d) C.P.C. which is pending consideration.
6. Learned counsel has invited the attention of the Court to the order-sheet of the proceedings filed as Annexure no. 5 to the petition, particularly to order dated 09.05.2022, whereby objections to the application under Order 7 Rule 11 C.P.C. has been invited. Thereafter various dates have been fixed in the case but neither the objection have been filed nor the application under Order 7 Rule 11 is being considered by the court.
7. Learned counsel for the petitioner has further submitted that the court concerned be directed to consider and pass appropriate orders on the pending application which would save the precious time of the court. Inasmuch as, if, the said application is allowed the suit proceedings would come to an end.

8. I have heard learned counsel for the petitioner and have perused the record.

9. From the order-sheet that has been brought on record, it is borne out that by order dated 09.05.2022 objections were invited on the application under Order 7 Rule 11 C.P.C. More than a year has passed on the said application which is pending consideration and no order has been passed. In the opinion of the Court, the writ petition is **disposed of** by directing the Civil Judge (Senior Division), Gautam Budh Nagar seized with the application under Order 7 Rule 11 C.P.C. (paper no. 28 Ka) dated 12.11.2021 to take up the same and pass appropriate orders **on the next date fixed or within one month from the date fixed**, upon service of certified copy of the order of this Court, in accordance with law.

Order Date :- 13.12.2023

Bhanu