

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 11828 of 2023

**Petitioner :-** Bharat Lal Major

**Respondent :-** State of U.P. and Another

**Counsel for Petitioner :-** Raj Kumar Upadhyay,Avanish Kumar Upadhyay

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ashutosh Srivastava,J.**

1. Learned counsel for the petitioner is permitted to emplead Bank of Baroda as respondent nos. 3 and 4 in the array of the respondent during course of the day.

2. Heard Shri Raj Kumar Upadhyay, learned counsel for the petitioner.

3. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.

4. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Senior Division), Varanasi, to decide the Original Suit No. 50 of 2003 (Bharat Lal Gupta vs. State of U.P. and others) filed by the plaintiff/petitioner, within the time stipulated by this Court.

5. Learned counsel for the petitioner submits that the Suit is pending consideration since the year 2003, and the purpose of filing present petition shall stands served if the appropriate directions are issued to the Civil Judge (Senior Division), Varanasi, to conclude and decide the Original Suit pending since 2003, within the time frame fixed by this Court.

6. Considering the fact that the aforesaid Original Suit, is pending consideration, before the Civil Judge (Senior Division), Varanasi, since 2003, this Court is also of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly ***disposed off*** by requiring the Civil Judge (Senior Division), Varanasi, seized with the Original Suit No. 50 of 2003 (Bharat Lal Gupta vs. State of U.P. and others) to consider and decide the case expeditiously, preferably within a period of **one year**, from the date of production of certified copy of the order of this Court, strictly in accordance with law, without granting

unnecessary adjournments to either of the parties, following the directions passed by Hon'ble Supreme Court in ***Civil Appeal No. 4296 of 2023 (Yashpal Jain versus Sushila Devi & others)*** decided on 20.10.2023, contained in Paragraph 2 of the operative part of the order.

**Order Date :-** 13.12.2023

v.k.updh.