

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12377 of 2023

Petitioner :- Safdar Abbas Jahangeer

Respondent :- Mohd. Arshad And 9 Others

Counsel for Petitioner :- Mithilesh Kumar Tiwari

Hon'ble Ashutosh Srivastava,J.

Heard Shri Mithilesh Kumar Tiwari, learned counsel for the petitioner.

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

Learned counsel for the petitioner at the very outset does not press the Prayer No.A made in the petition and has confined the relief to Prayer No. B.

The present petition under Article 227 of the Constitution of India has been filed seeking a direction to the Civil Judge (Jr.Div.), Court No. 1, Nagina, Bijnor to decide the impleadment application dated 2.4.2022 filed under Order 1 Rule 10 CPC in Original Suit No. 986 of 2021 (Mohd. Arshad and others versus Master Faheem and others) within the time frame fixed by this Court.

Learned counsel for the petitioner submits that the objections have been invited on the said application and the same has also been filed. However, despite various dates being fixed for consideration on the said application, the same is not being decided. He further submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Court concerned for expeditious disposal of the application under Order 1 Rule 10 CPC.

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

Having heard the submissions and having perused the record, this Court is of the opinion that ends of justice would stand served, if petition is disposed of by directing expeditious disposal of the impleadment application dated 2.4.2022 under Order 1 Rule 10 CPC.

Accordingly, the petition is ***disposed of*** by requiring the Civil Judge (Jr.Div.), Court No. 1, Nagina, Bijnor to take up the impleadment application dated 2.4.2022 filed by the petitioner under Order 1 Rule 10 CPC in Original Suit No. 986 of 2021 (Mohd. Arshad and others versus Master Faheem and others) within two months from the date of service of certified copy of the order of this Court, after hearing the interested parties, strictly, in accordance with law, provided that there is no other legal impediment .

Order Date :- 5.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)