

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12003 of 2023

Petitioner :- Smt. Shambha Devi And Another

Respondent :- Kedar Nath (Now Dead)

Counsel for Petitioner :- Ram Chandra Srivastava, Manoj Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava, J.

Heard Sri Ram Chandra Srivastava, learned Counsel for the petitioners.

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

The present petition, under Article 227 of the Constitution of India, has been instituted seeking a direction to the Civil Judge (Junior Division), Deoria, to decide the application under Order 22 Rule 2 C.P.C. (Paper no.74-C) filed in Original Suit No.1306 of 1997 (Kedar Vs. Sambha) stated to be pending consideration since 16.9.2022 within the time frame fixed by this Court.

Learned Counsel for the petitioners submits that they are defendant in a Suit filed for specific performance. It is contended that the plaintiff of the aforesaid Suit had expired on 30.11.2000 and no substitution application was filed. The petitioners have filed an application under Order 22 Rule 2 which has been registered as paper no.74-C on 16.9.2022 but no order has been passed by the court concerned on the said application. He submits that purpose of filing the present petition would stand served if an appropriate direction is issued to Civil Judge (Junior Division), Deoria, seized with application filed under Order 22 Rule 2 C.P.C. (Paper no.74-C) dated 16.9.2022 filed in Original Suit No.1306 of 1997 for its consideration within the time frame fixed by this Court.

Having heard learned Counsel for the petitioners, having perused the record and taking note of the fact that the application under Order 22 Rule 2 filed on 16.9.2022 is pending consideration, this Court **dispose** of this petition by requiring the Civil Judge (Junior Division), Deoria, to consider and pass appropriate orders on the pending application under Order 22 Rule 2 (paper no.74-C) within 2 months from the date of service of a certified copy of the order of this Court, in accordance with law.

Order Date :- 28.11.2023

Irshad