

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12019 of 2023

Petitioner :- Smt. Anju Rani

Respondent :- Smt. Rekha And 8 Others

Counsel for Petitioner :- Amul Kumar Tyagi

Hon'ble Ashutosh Srivastava,J.

Heard Sri Amul Kumar Tyagi, learned Counsel for the petitioner.

Considering the nature of the order that is proposed to be passed, notices upon respondent nos. 1 to 9 have been dispensed with.

The present petitioner, under Article 227 of the Constitution of India, has been filed seeking a direction to learned Civil Judge (Senior Division) Ist, Hapur, to decide the Original Suit No.95 of 2018 (Smt. Anju Rani and others Vs. Rekha and others) within the time frame fixed by this Court. The petitioner is a plaintiff in a Suit which has been executed for the relief of mandatory injunction. The dispute as is borne out from the pleadings as set out from the petitioner is with regard to the electricity dues.

Learned Counsel for the petitioner submits that the Suit is at the stage of final argument and dates are continuously being fixed for final argument since 26.9.2022 but the final argument is not being advanced. He submits that the purpose of filing the present petition would stand served if an appropriate direction is issued to the Court concerned to conclude and decide the Original Suit No.95 of 2018 within the time frame fixed by this Court.

Learned Counsel for the petitioner has invited the attention of the Court to various orders from the order-sheet of the case, which has been filed as Annexure-2 to the writ petition, to emphasize that the case has been proceeding for final argument but as of late no final argument has been heard and disposal of the Suit is unnecessarily being delayed.

Having heard learned Counsel for the petitioner, having perused the record and considering the stage of the proceedings, this Court is of the opinion that this is a fit case in which direction for expediting the proceedings can be issued.

Accordingly, this petition is **disposed of** by requiring the Civil Judge (Senior Division) Ist, Hapur, seized with the present Suit No.95 of 2018 (Smt. Anju Rani and others Vs. Rekha and others) to conclude and pass final orders expeditiously preferably within 6 months from the date of service of a certified copy of the order of this Court without granting unnecessarily adjournment to either of the parties in accordance with law.

Order Date :- 28.11.2023

Irshad