**Court No. - 4**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 12334 of 2023

**Petitioner :-** Kamla Shankar Upadhyay
**Respondent :-** Subhash Chandra And 2 Others
**Counsel for Petitioner :-** Sanjay Singh,Rohitashwa Upadhyay

**Hon'ble Prakash Padia,J.**

1. Heard learned counsel for the petitioner and perused the record.

2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.

3. The basic relief sought by the petitioner in the present petition under Article 227 of the Constitution of India with the following prayer:-

> *"issue an appropriate order or direction directing the Learned Court below 1.e. the Court of the Learned directing the the learned Civil Judge (Senior Division) / F.T.C., Allahabad to conclude the Cross Examination of the Marginal Witness of the Will Deed in question who is one of the most important and necessary Witness (to the Original Suit No. 1288/2007) namely Shri Harshwardhanam Mishra within certain specific time frame, which may very kindly be fixed by this Hon'ble Court."*

4. It is argued by learned counsel for the petitioner that various dates were fixed in the matter for cross-examination of Marginal witness but due to paucity of time, the same could not be concluded. It is argued that more than half dozens of dates were fixed for the aforesaid purpose but till date the same could not be concluded and prays that the Court be directed to conclude the cross-examination of the marginal witness.

5. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned to conclude the cross-examination of marginal witness, if possible, on the next date fixed in the matter. If on account of any reason, the same could not be decided, the aforesaid application be decided within a period of four weeks thereafter and without granting any unnecessary adjournment

to any of the parties.

6. Insofar as the suit is concerned, since the aforesaid suit is pending since 2017, the Court below is directed to decide the same expeditiously and preferably within a period of six months from the date of production of certified copy of this order but without granting any unnecessary adjournment to any of the parties.

**Order Date :-** 4.12.2023
saqlain

Digitally signed by :-
SYED MOHAMMAD SAQLAIN HAIDER
High Court of Judicature at Allahabad