

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12273 of 2023

Petitioner :- Sant Ram

Respondent :- Kamla Prasad And 2 Others

Counsel for Petitioner :- Shiv Ram Dubey

Hon'ble Ashutosh Srivastava, J.

Heard Shri Shiv Ram Dubey, 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.

The present petition under Article 227 of the Constitution of India has been instituted for a direction to the 6th Addl. Civil Judge (Jr.Div.), Court No. 19, Basti to decide the Original Suit No. 997 of 1994 (Santram versus Kamla Prasad and others), within the time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner is the plaintiff in the suit filed for permanent injunction and partition. In the said suit, written statement and replica has been exchanged. Learned counsel for the petitioner submits that issue Nos. 3 & 4 have been decided by the Court below. Learned counsel for the petitioner submits that petitioner is 71 years old aged person.

Learned counsel for the petitioner submits that the Suit is pending considering since 1994 and the purpose of filing present writ petition shall stands served if the appropriate directions are issued to the Court below to conclude and decide the Original Suit , within the time frame fixed by this Court.

Considering the fact that the aforesaid Original Suit, is pending consideration, before the Court below since 1994, 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 of*** by requiring the 6th Addl. Civil Judge (Jr.Div.), Court No. 19, Basti, seized with the Original Suit No. 997 of 1994 (Santram versus Kamla Prasad 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 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 :- 2.12.2023

Ravi Prakash