

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12047 of 2023

Petitioner :- Gotiram

Respondent :- Rajendra Prasad And 2 Others

Counsel for Petitioner :- Sheetal Prasad Chakravorty, Ravi Prakash Singh
Kushwaha

Hon'ble Ashutosh Srivastava, J.

Heard Shri Sheetal Prasad Chakravorty, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed the notice upon the respondent nos. 1, 2 and 3 is being dispensed with.

The present petition under Article 227 of the Constitution of India has been filed seeking direction to the Civil Judge (Junior Division) Mauranipur, District Jhansi to decide the Original Suit No. 87 of 2017 (Gotiram Vs. Rajendra Prasad and Ors.) stated to be pending since 17.08.2017.

Learned counsel for the petitioner submits that the aforesaid suit has been instituted for cancellation of sale deed dated 21.04.1997, 07.05.2007, 02.06.2005 and 17.08.2017. Pursuant to the notices issued, the defendants did not appear. The notice has been held to be sufficient and in fact the case has been directed to proceed ex parte vide order dated 19.09.2018. Learned counsel for the petitioner submits that the case is proceeding for final arguments and various dates are being fixed for the said purpose. He has invited the attention of this Court to the various orders passed by the court concerned which have been annexed as annexure '2' to the petition to demonstrate that by order dated 24.11.2021, part

arguments were heard and the matter was adjourned. Thereafter the case has been appearing for final arguments and now, 20.12.2023 is fixed. He submits that the purpose of filing the present petition would stand served if appropriate direction be issued to the Civil Judge (Junior Division) Mauranipur, District Jaunpur seized with the Original Suit No. 87 of 2017 to conclude and decide the said case within a time frame fixed by this Court.

Having heard learned counsel for the petitioner, and having perused the record, particularly to the order sheet of the case filed as Annexure '2' to the petition, this Court is of the view that it is a fit case in which directions to expedite the proceedings of the suit can be ordered, particularly, in view of the fact that the case has been directed to proceed ex parte and its proceedings are at the stage of final arguments.

Accordingly, the petition is ***disposed of*** by requiring the Civil Judge (Junior Division) Mauranipur District Jaunpur seized with the Original Suit No. 87 of 2017 (Gotiram Vs. Rajendra Prasad and Ors.) to conclude and decide the same within six months from the date of service of certified copy of the order of this Court without giving unnecessary adjournments in accordance with law.

Order Date :- 28.11.2023
Vipasha