

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12125 of 2023

Petitioner :- Santosh Kumar

Respondent :- Rajesh Gupta

Counsel for Petitioner :- Chandra Prakash Kushwaha

Counsel for Respondent :- CSC

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri C.P. Kushwaha, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Junior Division) Banda, to conclude and decide the Original Suit No. 371 of 2021 (Santosh Kumar Vs. Rajesh) within the stipulated time frame fixed by this Court.
4. Though the learned Counsel for the petitioner has prayed for expeditious disposal of Original Suit No.371 of 2021, however, during the course of the arguments, learned Counsel has confined his prayer to the disposal of issue nos.2, 3 and 4 for which the dates are being fixed.
5. It is a case of the petitioner that he is the owner of a house which has come to his share under a Will executed by his late father. The defendant has been residing in the said house in the capacity of a tenant. After the death of his father, the defendant has started to assert his right over the said house, which has compelled the petitioner to institute the Suit for eviction, being Suit No.371 of 2021.
6. Learned Counsel for the petitioner has invited the attention of the Court to the order-sheet of the proceedings brought on record particularly the order dated 3.8.2023 under which as many as 5 issues have been framed by the court concerned. Thereafter, various dates have been fixed for deciding the issue nos. 2,3 and 4. However, the issues have yet not been decided. He submits that the purpose of filing the present petition would stand served if

appropriate directions are issued to the court concerned to decide the issue nos. 2, 3 & 4 for which the dates are being fixed within the time frame fixed by this Court.

7. Having heard learned Counsel for the petitioner and having perused the record particularly the order-sheet of the proceedings, this Court is of the opinion that the petition can be disposed of by directing expeditious consideration of the issue nos. 2, 3 & 4 for which the dates are being fixed by the court concerned.

8. Accordingly, this petition is ***disposed of*** by requiring the Civil Judge (Junior Division) Banda, seized with Original Suit No. 371 of 2021 (Santosh Kumar Vs. Rajesh) to decide issue nos. 2, 3 & 4 as framed by it within a period of 3 months from the date of service of a certified copy of the order of this Court in accordance with law.

Order Date :- 29.11.2023

Irshad