

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12320 of 2023

Petitioner :- Ram Murat

Respondent :- Ganga Ram

Counsel for Petitioner :- Mohammad Zafar Yab Khan, Shahroze Khan

Hon'ble Ashutosh Srivastava, J.

1. Heard Mohammad Zafar Yab Khan, learned counsel for the petitioner .
2. Considering the nature of the order that is proposed to be passed, the notice upon plaintiff-respondent is being dispensed with.
3. The present petition has been filed under Article 227 of the Constitution of India for a direction to the Civil Judge (Junior Division), Siddharth Nagar to decide Original Suit No. 335 of 2017 (Ganga Ram vs. Ram Murat) expeditiously within a short stipulated period. Although, the relief for expeditious disposal of the suit proceedings have been sought, learned counsel for the petitioner has confined his relief for a direction to the court concerned to frame the issues and also to dispose off interim injunction application paper 7C-2 which is stated to be pending since 2017.
4. Learned counsel for the petitioner submits that the petitioner is defendant in the said suit for cancellation of registered will deed dated 08.09.2015 as also for permanent injunction.
5. Learned counsel for the petitioner has invited the attention of this Court to the order-sheet of the proceedings brought on record as Annexure no. 3 to the petition. He submits that the petitioner being defendant has put in appearance in the proceedings on 06.11.2019 and filed his written statement and objections to the interim injunction application. Thereafter, various dates have been fixed for disposal of the interim injunction application 7C-2 and for framing of the issues. However, neither the interim injunction application has been decided nor the issues have been framed. He submits that the proceedings of the suit are unnecessarily being delayed on account of date being fixed for consideration of the

interim injunction application as well as for framing of the issues and under such circumstances the direction for expeditious disposal has been prayed for.

6. I have heard learned counsel for the petitioner and perused the record.

7. From the order-sheet of the proceedings brought on record, it is apparent that the petitioner-defendant has put in appearance on 06.11.2019 and filed his written statement and objection to the application 7C-2. Thereafter, the proceeding of the suit are pending for consideration of the interim injunction application 7C-2 and for framing of issues. More than four years have passed, but neither the interim injunction application has been decided and nor issues have been framed. In such circumstances, the Court is of the opinion that it is fit case for directing the expeditious disposal of the interim injunction application 7C-2 as well as direction to the court below to frame the issues can be ordered. Accordingly, the petition is disposed off by requiring the Civil Judge (Junior Division), Siddharth Nagar seized with the proceedings of the Original Suit No. 335 of 2017 (Ganga Ram Vs. Ram Murat) to take up interim injunction application 7C-2 expeditiously preferably on the next date fixed and proceed to pass orders thereon within two months from the date of service of certified copy of order of this Court.

8. It is further provided that after passing appropriate order on the interim injunction application 7C-2, the learned Civil Judge (Junior Division) Siddharth Nagar shall proceed to frame the issues so as to facilitate the progress of the suit which is stated to be pending since 2017.

Order Date :- 4.12.2023

Bhanu