

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12112 of 2023

Petitioner :- Mahtab And Another

Respondent :- Mohd. Haneef And 3 Others

Counsel for Petitioner :- Rizwan Ahamad

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Rizwan Ahamad, learned counsel for the petitioners.
2. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Additional Civil Judge (Junior Division), Court No.15, Allahabad, to decide the Case No.2869 of 2014 (Mohd. Haneef Vs. Mabood and another) within the time frame fixed by the Court.
3. Learned counsel for the petitioners submits that the petitioners are defendant in the aforesaid Suit and the said Suit has been filed for interim injunction.
4. Learned Counsel for the petitioners has invited the attention of the Court to the order-sheet of the proceedings (annexed as Annexure-2 to the petition) particularly to the order dated 21.12.2018. He submits that the case has been pending for recording the evidence. He submits that as many as 7 issues were framed by the court concerned and the issue nos. 2,3,4,5 & 6 have been decided in favour of the plaintiff and thereafter matter has been pending for consideration of issue nos. 1 and 7. He further submits that the case is pending for recording of evidence since 26.4.2016 and despite passage of almost 4 years, the pending issues have not been decided. He submits that appropriate direction be issued to the court concerned to expedite the proceedings of the aforesaid Suit.
5. I have heard learned Counsel for the petitioners and have perused the record.
6. From the order-sheet, it is borne out that 7 issues were framed by the Court as on 3.11.2017 and the issue nos. 2, 3, 4, 5 & 6 have been decided in favour of the plaintiff vide order dated 3.11.2017. Thereafter, the case is pending for consideration of issue nos.1 and

7 and for recording the evidence.

7. In such view of the matter, this Court deemed it appropriate that it is a fit case in which the proceedings in the Suit may be directed to be decided.

8. This petition is disposed of by requiring the Additional Civil Judge (Junior Division), Court No.15, Allahabad, seized with the Case No. 2869 of 2014 (Mohd.Haneef Vs. Mabood and another) 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 without granting any unnecessarily adjournment to either of the parties, strictly in accordance with law.

Order Date :- 29.11.2023

Irshad