

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12205 of 2023

Petitioner :- Mandavi Katiyar

Respondent :- Avadhesh Kumar Gupta And 3 Others

Counsel for Petitioner :- Krishna Kant Mishra,Om Narayan Dwivedi

Hon'ble Ashutosh Srivastava,J.

Shri Krishna Kant Mishra, learned counsel for the petitioner, is permitted to delete the respondent no. 4, from the array of the parties, and to correct the description of the petitioner, during the course of the day.

Heard Shri Krishna Kant Mishra, learned counsel for the petitioner.

The instant petition under Article 227 of the Constitution of India has been filed for a direction to the learned Civil Judge, Senior Division, Kannauj, to proceed with and decide Original Suit No. 79 of 2019 (Avadhesh Kumar Gupta vs. Sumit Kumar Gupta and others) pending since 2019 within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the petitioner is the defendant no. 4 in the Suit No. 79 of 2019 which has been instituted by the plaintiff/ respondent no. 1 Avadhesh Kumar Gupta @ Kapil Kumar Gupta. The petitioner is represented by Mandavi Katiyar who is the wife of Abhishek Kumar Gupta @ Kapil Kumar Gupta whose civil death is sought to be declared in the Suit. Smt. Mandavi Katiyar also instituted a suit being Suit No. 90 of 2019 for declaring the Civil Death of her husband Abhishek Kumar Gupta but the proceedings of the aforesaid suit have been stayed under Section 10 CPC vide order dated 13.12.2022 passed in Original Suit No. 90 of 2019.

Learned counsel for the petitioner submits that the Suit No. 79 of 2019 instituted by the brother of Abhishek Kumar Gupta is proceeding at a very slow pace. Learned counsel for the petitioner has brought on record the order sheet of the proceedings of the Original Suit No. 79 of 2019 to demonstrate that though dates are being fixed but that case is not proceeding any further.

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

Considering the submissions advanced and taking note of the nature of the relief sought in the suit, this Court is of the opinion that ends of justice shall stand subserved if the proceedings of the suit are expedited.

Accordingly, the petition is ***disposed off*** by directing the learned Civil Judge (Senior Division) Kannauj, in seisin of the proceedings of the Original Suit No. 79 of 2019 (Avadhesh Kumar Gupta vs. Sumit Kumar Gupta and others) to proceed with and decide the suit expeditiously preferably within a period of 6 months upon service of certified copy of the order of this Court without granting any unnecessary adjournments to either of the parties in accordance with law.

Order Date :- 8.12.2023

Deepak/