

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12164 of 2023

Petitioner :- Shishpal

Respondent :- Mahesh

Counsel for Petitioner :- Pushpendra Singh

Hon'ble Ashutosh Srivastava,J.

Heard Shri Sunil Kumar, Advocate, under the authority of Shri Pushpendra Singh Lodhi, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notice upon the sole respondent is being dispensed with.

The present petition under Article 227 of the Constitution of India has been filed seeking direction to the Civil Judge (Senior Division) Bulandshahar to decide the Original Suit No. 207 of 2022 (Shishpal vs. Mahesh) within the time frame fixed by this Court.

Learned counsel for the petitioner submits that the petitioner has instituted a Suit on 14.03.2022, seeking declaratory relief. Pursuant to the notice issued in the said suit to the defendant, neither the defendant has put in appearance nor filed written statement. By order dated 17.11.2022 the opportunity to file written statement by the defendant was closed and the suit was directed to proceed ex-parte.

The order sheet, annexed as annexe no. 2, reveals that the plaintiff has already filed his evidence and the matter is being fixed for ex-parte hearing. A perusal of the order sheet also reflects that for the last one year i.e. from 28.11.2022 to 31.10.2023 the suit has been fixed for ex-parte hearing. However, no final order has yet been passed.

Learned counsel for the petitioner submits that the proceedings of the aforesaid suit may be expedited.

Having heard learned counsel for the petitioner and having perused the record, particularly to the various orders, that have been passed by the Court concerned, for ex-parte hearing of the suit for last one year, this Court is of the opinion that it is fit case in which

direction for expediting the proceedings of the suit can be ordered.

Accordingly, the petition is ***disposed off*** by requiring the Civil Judge (Senior Division) Bulandshahar, seized with the Original Suit No. 207 of 2022 (Shishpal vs. Mahesh), to conclude and decide the same within a period of 6 months from the date of service of certified copy of this order, strictly in accordance with law.

Order Date :- 30.11.2023

Deepak/