

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12376 of 2023

Petitioner :- Harinarayan

Respondent :- Awadh Narayan Singh

Counsel for Petitioner :- Jitendra Prasad Mishra, Ashwini Kumar Srivastava

Hon'ble Ashutosh Srivastava, J.

Heard Shri Jitendra Prasad Mishra, learned counsel for the petitioner.

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

The present petition under Article 227 of the Constitution of India has been filed for a direction to the Court of District Judge, Mirzapur to decide the Civil Revision No. 55 of 2022 (Harinarayan versus Awadh Narayan Singh) within the stipulated period fixed by this Court.

Learned counsel for the petitioner submits that the petitioner is the judgment debtor in a suit, that was instituted by the opposite party, which came to be decreed in the year 2011. An execution case, being Execution Case No. 12 of 2011 has been filed for executing the decree passed in Original Suit No. 112 of 1996. The said execution case came to be dismissed in default on 3.1.2015. A recall application was filed seeking recall of the order dated 3.1.2015 which proceedings were registered as Misc. Case No. 1 of 2016. By order dated 21.11.2022, the order dismissing the Execution Case No. 12 of 2011 has been recalled and the execution case has been restored to its original number by imposing a cost of Rs.1,500/-. The petitioner, who is the judgment debtor, has assailed the said order dated 21.11.2022 in revision, which revision is stated to be pending consideration. The expeditious disposal of the said revision is now being sought.

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

From the record, it transpires that the revision has been fixed for 16.12.2023 for arguments. The order-sheet further reveals that the

said revision has been appearing for arguments since 28.4.2023 and despite various dates having been fixed, the proceedings of the revision are not being concluded.

In the opinion of the Court, once the execution case has been restored to its original number, the proceedings of the execution case for executing the decree passed in a suit of the year 2011 should not be held up on account of pendency of the present revision.

Accordingly, the present petition is ***disposed of*** by requiring the District Judge, Mirzapur seized with the proceedings of Civil Revision No. 55 of 2022 (Harinarayan versus Awadh Narayan Singh) to proceed and decide the said revision, which is stated to be pending for hearing since April, 2023, within a period of two months from the date of filing of certified copy of the order of this Court, strictly, in accordance with law.

Order Date :- 5.12.2023
Ravi Prakash

(Ashutosh Srivastava, J.)