

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12578 of 2023

Petitioner :- Smt. Pramod Devi

Respondent :- Mahendra And Another

Counsel for Petitioner :- Kamlesh Kumar Mishra

Hon'ble Ashutosh Srivastava,J.

1. Heard Sri Kamlesh Kumar Mishra, learned counsel for the petitioner.

2. Considering the nature of the order that is proposed to be passed, notice upon the private respondents is hereby dispensed with.

3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Junior Division) Gorakhpur to decide the Case No. 1516 of 2017 (Old No. 467 of 2013) (Smt. Pramod Devi vs. Mahendra and another), within the time stipulated by this Court.

4. Learned counsel for the petitioner submits that the case is pending consideration since the year 2013 and the purpose of filing present petition shall stands served if the appropriate directions are issued to the Civil Judge (Junior Division) Gorakhpur to conclude and decide the case pending since 2013, within the time frame fixed by this Court.

5. Considering the fact that the aforesaid case is pending consideration before the Civil Judge (Junior Division) Gorakhpur since 2013, this Court is also of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly disposed off by requiring the Civil Judge (Junior Division) Gorakhpur, seized with the Case No. 1516 of 2017 (Old No. 467 of 2013) (Smt. Pramod Devi vs. Mahendra and another), to consider and decide the case expeditiously, preferably within a period of one year, from the date of production of a certified copy of the order of this Court, strictly in accordance with law, without granting unnecessary adjournments to either of the

parties, following the directions passed by Hon'ble Supreme Court in Civil Appeal No. 4296 of 2023 (Yashpal Jain versus Sushila Devi & others) decided on 20.10.2023, contained in Paragraph 2 of the operative part of the order.

Order Date :- 8.12.2023

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