

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12402 of 2023

Petitioner :- Ramnaresh

Respondent :- Pankaj Kumar And 4 Others

Counsel for Petitioner :- Arun Kumar Bajpai

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Arun Kumar Bajpai, learned counsel for the petitioner.
2. Considering the nature of the order that is proposed to be passed, the service of notice upon respondents is being dispensed with.
3. The present petition under Article 227 of the Constitution of India has been filed seeking direction to the learned Civil Judge (Sr. Div.), Fatehpur to decide the Original Suit No. 424 of 2020 (Ram Naresh versus Pankaj Kumar and others) within a time frame fixed by this Court.
4. Learned counsel for the plaintiff-petitioner during the course of argument has confined the relief for a direction to the court concerned to frame the issues in the suit so as to facilitate its progress.
5. In order to buttress his submission, learned counsel for the plaintiff- petitioner has invited the attention of this Court to the order-sheet of the proceedings brought on record as Annexure no. 2 to the petition, specifically the order dated 27.7.2023, to show that the trial court has fixed the next date for framing of issues, but till date issues have not been framed by the trial court.
6. Under such circumstances, the prayer for appropriate direction to the court concerned has been prayed for.
7. Having heard learned counsel for the petitioner and having perused the record, particularly to the various orders passed by the trial court, this Court find that the proceedings of the suit are unnecessarily been lingered on and almost more than three years have been passed but no issues have been framed till date.

8. In these circumstances, the Court is of the opinion that the petition can be disposed off by issuing appropriate direction to the court concerned to frame the issues and thereafter, proceed to invite evidence of the parties. Accordingly the petition is ***disposed of*** by requiring the Civil Judge (Sr. Div.), Fatehpur seized with the proceedings of the Original Suit No. 424 of 2020 (Ram Naresh versus Pankaj Kumar and others) to frame the issues expeditiously preferably on the **next date fixed or within next four months** from the date of service of certified copy of order of this Court to facilitate the progress of the suit.

9. With the aforesaid condition the writ petition is ***disposed off***.

Order Date :- 12.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)