

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12457 of 2023

Petitioner :- Smt Lalita Chauhan

Respondent :- Vinod Kumar Mishra

Counsel for Petitioner :- Nipun Singh, Rishi Upadhyay

Hon'ble Prakash Padia, J.

1. The present petition has been filed inter-alia with the prayer to direct the IIIrd Additional District Judge, Gautam Budh Nagar to decide the S.C.C. Suit No. 05 of 2018 (Smt. Lalita Chauhan vs. Vinod Kumar Mishra), expeditiously.

2. It appears from perusal of the record that earlier the petitioner approached this Court by filing the petition being Matter Under Article 227 No.6373 of 2019 (Smt. Lalita Chauhan vs. Third Additional District Judge, Gautam Budh Nagar and Another). The said petition was disposed of vide order dated 22.08.2019. Order reads as follows:-

"Heard.

The only relief pressed in this petition is that S.C.C. Suit No.05 of 2018 (Smt. Lalita Chauhan Vs.Vinod Kumar Mishra), pending in the court of IIIrd Additional District Judge, Gautam Budh Nagar, may be directed to be decided within a time bound period.

Considering the facts and circumstances of the case, no useful purpose will be served to keep this petition pending and call for a counter affidavit.

In view of the aforesaid and without expressing any opinion on merits of the case, this petition is disposed of providing that the court below shall decide the aforesaid case in accordance with law, expeditiously, preferably within one year from the date of presentation of a certified copy of this order, without granting any unnecessary adjournment to either of the parties, if there is no legal impediment."

3. When the aforesaid order was not complied with, the contempt application being Contempt Application (Civil) No. 2671 of 2022 was also filed, which was disposed of on 25.05.2022 in which following order was passed:-

"1. Heard learned counsel for the applicant.

2. The present contempt application has been filed under Section 12 of the Contempt of Courts Act for punishing the Opposite Party for willful disobedience of the judgment and order dated 22.08.2019 passed by this Court in Matters Under Article 227 No.6373 of 2019.

3. *It is contended that applicant had filed aforesaid writ, which was disposed of vide order dated 22.08.2019. Copy of the said order was filed/served in the Court on 04.09.2019, but the said direction has not been complied with by the opposite party till date.*

4. *Prima facie, a case has been made out for punishing the opposite party for willful disobedience of the judgment and order passed in the aforesaid writ petition.*

5. *However, no notice is issued to the opposite party at this stage. The opposite party is granted three months? further time to comply with the order dated 22.08.2019 passed by this Court in Matters Under Article 227 No.6373 of 2019 from the date of production of a certified copy of this order.*

6. *The applicant shall supply a duly stamped registered envelope addressed to the opposite party and another self-addressed envelope to the office within one week from today. The office shall send a copy of this order along with the self-addressed envelope of the applicant with a copy of contempt application to the opposite party within one week thereafter and keep a record thereof.*

7. *The opposite party shall comply with the directions of the writ court and intimate the applicant the order through the self-addressed envelop within a week thereafter.*

8. *In case, the opposite party does not comply with the order, it would be open to the applicant to approach this court again.*

9. *With the aforesaid observations, this application is finally disposed of at this stage."*

4. It appears from perusal of the order sheet that order passed in Matter Under Article 227 dated 22.08.2019 is well within the knowledge of the Presiding Officer but inspite of the same, till date no final decision has been taken.

5. In this view of the matter, the Court is of the opinion that the order passed by this Court dated 22.08.2019 in the Matter Under Article 227 No. 6373 of 2019 as well as the order passed in the Contempt Application (Civil) No. 2671 of 2022 dated 25.05.2022 be complied with by the Presiding Officer before whom the matter is pending in its letter and spirit.

6. In view of the above, the present petition is disposed of finally directing the court below before whom the proceedings are pending to take a decision pursuant to the order passed by this Court as quoted above, expeditiously without any further delay.

Order Date :- 6.12.2023

Swati