

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12503 of 2023

Petitioner :- Smt. Mangesh Sharma And 2 Others

Respondent :- Shyam Lal And Another

Counsel for Petitioner :- Ashish Kumar Srivastava, Pratima Srivastava

Hon'ble Prakash Padia, J.

1. Heard learned counsel for the petitioners and perused the record.
2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
3. The basic relief sought by the petitioners in the present petition under Article 227 of the Constitution of India is to direct the court below to decide Application No.18Ga filed under Order VII Rule XI-D of C.P.C. in Original Suit No.235 of 2023 (Shayam Lal Vs. Goswami Shyam Mahonarji and others) expeditiously.
4. It is argued by learned counsel for the petitioners that the petitioners, who are defendants in the suit filed, the aforesaid application with the prayer to reject the aforesaid suit. It is argued that on the aforesaid application, the Court below gave a direction to list this application on the date fixed in the suit. It is argued that the matter is pending before the Court below since then and considerable time has already been lapsed but till date no final decision has been taken in the matter.
5. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned to decide the aforesaid application expeditiously strictly in accordance with law and without granting unnecessary adjournment unless there is no legal impediment.

Order Date :- 7.12.2023/saqlain