

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 12574 of 2023

Petitioner :- Ram Anuj

Respondent :- Arya Tiwari

Counsel for Petitioner :- Ajay Kumar Sharma, Jay Shankar Tiwari

Hon'ble Prakash Padia, J.

1. Heard learned counsel for the petitioner.

2. The petitioner has preferred the present petition under Article 227 of the Constitution of India inter-alia with the following prayer:-

"(A). Direct for adjudication of Suit No. 225 of 2023 under Section 9 of Hindu Marriage Act pending in the Court of learned Principal Judge, Family Court, Chandauli within stipulated period."

3. From perusal of the record it transpires that the suit in question was filed on 1st of July, 2023 and petitioner approach this Court on 30th November, 2023. Nothing has been stated in the entire petition the situation is extraordinary.

4. Very recently Hon'ble Apex Court in ***Special Leave Petition (Civil) No(s). 38375 of 2023 (Mohd. Faiyaz Khan vs. State of U.P. and others)*** passed an order on 27.09.2023 stating therein that unless the situation is extraordinary, the Court should not direct any Court to decide any pending case in a time-bound manner. The order dated 27.09.2023 is quoted hereinbelow :-

"Heard the learned counsel appearing for the petitioner.

Unless the situation is extraordinary, this Court should not direct any Constitutional Court or for that matter, any Court, to decide any pending case in a time-bound manner. It cannot be that those who afford to come this Court, get priority and others wait in the queue. No case for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is accordingly dismissed on ground of delay as well as on merits.

It is for the petitioner to move the High Court for expeditious hearing of the case.

Pending application(s) also stands disposed of."

5. In this view of the opinion, since nothing has been stated in the entire petition nor any arguments has been made that there is any extraordinary situation in the present case to grant the relief as prayed for.

6. In this view of the matter, present petition is ***dismissed***.

Order Date :- 8.12.2023

Vikram