

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12495 of 2023

Petitioner :- Jayawati

Respondent :- Deepak Dhar

Counsel for Petitioner :- Sunil Dutt Kautilya, Satyavrat Sahai

Hon'ble Ashutosh Srivastava, J.

Heard Shri S.D. Kautilya, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notice upon the respondents is being dispensed with.

Present petition under Article 227 of the Constitution of India has been filed for a direction to the Civil Judge (Senior Division) Gautam Budh Nagar, to decide the Case No. 290 of 2018 (Smt. Jaywati Vs. Deepak Dhar and others), expeditiously, within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the Suit in question has been filed with regard to incorrect entry of the respondent's name in the revenue record on account of a void sale deed dated 20.08.2008. The defendant/ petitioner later on filed an interim injunction application (Paper No. 6-C2) on 14.05.2018 the same is also pending.

Learned counsel for the petitioner has also invited the attention of this Court to the various orders, passed by the Court concerned, which has been brought on record as annexure no. 2 to the petition.

Perusal of the order sheet, particularly, the order dated 27.07.2022 which reflects that the date was fixed for ex-parte decision, however, on the said date the case was adjourned and thereafter several dates have been fixed but the case is still pending.

Heard learned counsel for the petitioners and perused the record.

Taking note of the fact that the suit is proceeding ex-parte, the Court is of the opinion that it is a fit case in which the proceedings of the suit may be expedited. Accordingly, the writ petition is ***disposed off*** by requiring the Civil Judge (Senior Division) Gautam Budh Nagar, seized with the Case No. 290 of 2018 (Smt. Jaywati Vs. Deepak Dhar and others), to conclude and decide the same expeditiously, preferably, within a period of 10 months from the date of service of certified copy of the order of this Court.

Order Date :- 7.12.2023

Deepak/