

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12728 of 2023

Petitioner :- Badri Prasad And Another

Respondent :- Swami Amar Dev Ji Trust And 11 Others

Counsel for Petitioner :- Ashish Kumar Srivastava, Pratima Srivastava

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Ashish Kumar Srivastava, learned counsel for the petitioners.
2. Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Sr.Div.), Fast Track Court, Mathura to decide the Original Suit no. 542 of 2022 (Badri Prasad and another versus Swami Amar Dev Ji Trust and others), within the time frame fixed by this Court.
4. Learned counsel for the petitioners submits that the both the petitioners are plaintiffs in the suit and are senior citizen aged about 70 and 74 years, respectively. Learned counsel for the petitioners submits defendants have put in appearance and filed their written statement before the Court below. Issues in the suit have yet not been framed by the Court below. Learned counsel for the petitioners submits that both the petitioners are very old and unable to Parvi their case regularly. Learned counsel for the petitioners submits that purpose of filing present petition shall stands served if the appropriate directions are issued to the Court concerned to conclude and decide the Original Suit, within the time frame fixed by this Court.
5. Considering the fact that petitioners are very old aged persons having 70 and 74 years, respectively and the suit is at the stage of framing of issues, this Court is also of the opinion that no useful purpose would be served by keeping the petition pending and the same is accordingly ***disposed of*** by requiring the Civil Judge (Sr.Div.), Fast Track Court, Mathura, seized with the Original Suit no. 542 of 2022 (Badri Prasad and another versus Swami Amar Dev Ji Trust and others) to consider and decide the case expeditiously, preferably within a period of **One Year** from the date of production of certified copy of order of this Court, strictly in accordance with law, without granting unnecessary adjournments to either of the parties, following the directions passed by Hon'ble Supreme Court in ***Civil Appeal No. 4296 of 2023 (Yashpal Jain versus Sushila Devi & others)*** decided on 20.10.2023, contained in Paragraph 2 of the operative part of the order.

Order Date :- 12.12.2023

Ravi Prakash