

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12678 of 2023

Petitioner :- Siraj Uddin Ansari

Respondent :- Mohd. Nizam Uddin And 5 Others

Counsel for Petitioner :- Akhileshwar Dwivedi, Ashutosh Dwivedi, Suresh Chandra Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Akhileshwar Dwivedi, learned counsel for the petitioner and learned Standing Counsel for State-respondents.
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 Addl. District Judge, Court No. 13 Allahabad, to decide the plaintiff/petitioner's application under Section 52 of the Mental Health, 1987, registered as Misc. Case No. 239 of 2016 (Siraj Uddin Ansari versus Mohd. Nazim Uddin) within stipulated period of time.
4. Learned counsel for the petitioner submits that petitioner has filed aforesaid case in the year 2016 to be appointed as Guardian of Kumari Kaushar Jahan under Section 52 of Mental Health, 1987 on the ground that physical and mental condition of Kumari Kaushar Jahan is not good and Kumari Kaushar Jahan is his real sister and is mentally disordered. The case is at the stage of arguments before the Court below. Learned counsel for the petitioner submits that purpose of filing present petition shall stands served if the appropriate directions are issued to the Court below to conclude and decide the aforesaid case, within the time frame fixed by this Court.
5. Considering the fact that the aforesaid case is pending consideration before the Addl. District Judge, Court No. 13 Allahabad, since 2016, this Court is also of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly ***disposed of*** by requiring the Addl. District Judge, Court No. 13 Allahabad, seized with the Misc. Case No. 239 of 2016 (Siraj Uddin Ansari versus Mohd.

Nazim Uddin) to consider and decide the case expeditiously, preferably within a period of **six months**, 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 :- 11.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)