

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12811 of 2023

Petitioner :- Ram Ashrey

Respondent :- Ashok And 2 Others

Counsel for Petitioner :- Sapan Kumar Singh

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Sapan Kumar Singh, learned counsel for the petitioner.
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.), Gorakhpur to decide the Suit No. 424 of 2013 (Ramashrey versus Ashok and others) within the time frame fixed by this Court.
4. Learned counsel for the plaintiff/petitioner submits that the Suit is pending considering since 2013. Learned counsel for the petitioner states at bar that case in the Court below is fixed for today for cross examination of plaintiff evidence and cross examination of PW1 will be conducted today. 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 Original Suit pending since 2013, within the time frame fixed by this Court.
5. Considering the submissions advanced by learned counsel for the petitioner and the fact that the aforesaid Original Suit is pending consideration, 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.), Gorakhpur, seized with the Suit No. 424 of 2013 (Ramashrey versus Ashok 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 :- 15.12.2023
Ravi Prakash

(Ashutosh Srivastava, J.)