

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12702 of 2023

Petitioner :- Brij Mohan Rai And 2 Others

Respondent :- Shiv Kumar Jaiswal

Counsel for Petitioner :- Samarth Sinha,Vijay Sinha

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Vijay Sinha, learned counsel for the petitioners.
2. Considering the nature of the order proposed to be passed notice upon the private respondent is being dispensed with.
3. The present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Senior Division), Varanasi, to decide the Original Suit No. 119 of 2017 (Brij Mohan Rai and others vs. Shiv Kumar Jaiswal), within the time frame fixed by this Court.
4. Learned counsel for the petitioner submits that the Suit is pending consideration since the year 2017, and the purpose of filing present petition shall stands served if the appropriate directions are issued to the Civil Judge (Senior Division), Varanasi, to conclude and decide the Original Suit pending since 2017, within the time frame fixed by this Court.
5. Considering the fact that the aforesaid Original Suit, is pending consideration, before the Civil Judge (Senior Division), Varanasi, since 2017, 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 off*** by requiring the Civil Judge (Senior Division), Varanasi, seized with the Original Suit No. 119 of 2017 (Brij Mohan Rai and others vs. Shiv Kumar Jaiswal) to consider and decide the case expeditiously, preferably within a period of **two years**, from the date of production of certified copy of the 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

Bhanu