

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12661 of 2023

Petitioner :- Smt. Sugiya Devi

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Manoj Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Ashutosh Srivastava,J.

Heard Shri Manoj Kumar Tiwari, learned counsel for the petitioner.

The instant petition under Article 227 of the Constitution of India has been filed for a direction to the Additional Civil Judge, Junior Division, Court No. 1, Gorakhpur, to proceed with and decide the Case No. 601 of 2019 (Smt. Sugiya Devi vs. State of U.P. and another) pending since 2019 within a time frame fixed by this Court.

Learned counsel for the petitioner submits that 30 years ago, her marriage was performed with Sri Radhey Shayam Gaur, R/o Jungle Dumri No. 2, Tola-Khapharhava, Police Station-Gulriha, Tehsil-Sadar, District-Gorakhpur. On 03.12.2011 the husband of the petitioner went to Lucknow for his personal work but he did not return till 18.01.2012 for which the petitioner got registered a missing report, before the Police Station concerned on 19.01.2012. On 06.04.2019 petitioner filed the aforesaid case before the Court concerned for declaration of civil death of her husband and for injunction restraining the respondent no. 2 from interfering in the peaceful possession of the petitioner. In the said suit notices have been issued and the respondent no. 2 has put in appearance on 29.10.2020. Thereafter only dates are being fixed for disposal but no final orders are being passed. In such circumstances, the expeditious disposal of the Suit proceedings has been sought.

I have heard the learned counsel for the petitioner and have perused the record.

Considering the submissions advanced and taking note of the nature of the relief sought in the suit, this Court is of the opinion that ends of justice shall stand subserved if the proceedings of the suit are expedited.

Accordingly, the petition is ***disposed off*** by directing the Additional Civil Judge, Junior Division, Court No. 1, Gorakhpur, in *seisin* of the proceedings of the Case No. 601 of 2019 (Smt. Sugiya Devi vs. State of U.P. and another), to proceed with and decide the case expeditiously preferably within a period of **6 months** upon service of certified copy of the order of this Court without granting any unnecessary adjournments to either of the parties in accordance with law.

Order Date :- 11.12.2023

Deepak/