

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 12856 of 2023

**Petitioner :-** Ram Kripal Pandey (Since Deceased) And 4 Others

**Respondent :-** Nagendra Pandey And 2 Others

**Counsel for Petitioner :-** Manoj Kumar Mishra

**Hon'ble Ashutosh Srivastava,J.**

Heard Shri Manoj Kumar Mishra, learned counsel for the petitioners.

Considering the nature of the order proposed to be passed notice upon the private respondents is hereby dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed seeking direction to the Civil Judge (Sr. Div.), Gorakhpur to expedite the suit, being Case No. 546 of 2019 (Ram Kripal Pandey and others versus Nagendra Pandey and others) within the time frame fixed by this Court.

Learned counsel for the plaintiffs -petitioners during the course of argument has confined the relief for a direction to the court concerned to frame the issues in the suit so as to facilitate its progress.

Learned counsel for the petitioners submits that petitioners have instituted a suit in the year 2019 and since then the same is pending consideration. Even issues have not been framed by the Court below in the suit.

In order to buttress his submission, learned counsel for the petitioner- petitioner has invited the attention of this Court to the order-sheet of the proceedings brought on record as Annexure no. 4 to the petition.

Under such circumstances, the prayer for appropriate direction to the court concerned has been prayed for.

Having heard learned counsel for the petitioners and having perused the record, particularly to the various orders passed by the Court below, this Court find that the proceedings of the suit are unnecessarily been lingered on and almost more than four years

have been passed but no issues have been framed till date.

In these circumstances, the Court is of the opinion that the petition can be disposed off by issuing appropriate direction to the court concerned to frame the issues and thereafter, proceed to invite evidence of the parties. Accordingly the petition is ***disposed of*** by requiring the Civil Judge (Sr. Div.), Gorakhpur seized with the proceedings of the Case No. 546 of 2019 (Ram Kripal Pandey and others versus Nagendra Pandey and others) to frame the issues expeditiously preferably on the **next date fixed or within next three months** from the date of service of certified copy of order of this Court to facilitate the progress of the suit.

With the aforesaid condition the writ petition is ***disposed off***.

**Order Date :- 15.12.2023**

Ravi Prakash

(Ashutosh Srivastava, J.)