

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12802 of 2023

Petitioner :- Lalman

Respondent :- Nanhoo And 22 Others

Counsel for Petitioner :- Shiv Saran Sharma,Ajeet Shukla,Prakhar Srivastava

Hon'ble Ashutosh Srivastava,J.

Heard Shri Shiv Saran Sharma, learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India, has been filed for a direction to the learned Civil Judge (Junior Division), Court No. 7, District-Gorakhpur, to decide the Misc. Case No. 201 of 2016 (Nanhoo vs. Lalman & others), arising out of Original Suit No. 1076 of 2010 (Ram Lakhan vs. Nanhoo & others).

The said suit came to be decreed vide judgment and decree dated 06.12.2014 and an application under Order 9 Rule 13 CPC has been filed by the defendants which was registered as Misc. Case No. 201 of 2016. In the said Misc. Case various dates have been fixed, for its disposal, but no final orders have yet been passed even after expiry of more than 7 years. He thus submits that a direction be issued for expeditious disposal of the Misc. Case No. 201 of 2016.

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

From the order sheet of the Misc. Case 201 of 2016, which has been brought on record as Annexure no. 3 to the petition, it is borne out that the parties have already put in appearance and the case is pending since 16.02.2019. The matter is being adjourned either on account of the Court being vacant or the Presiding Officer is on inspection. For the last one year the case is being fixed for disposal of the application under Order 9 Rule 13 CPC. In such view of the matter this Court is of the opinion that this is a fit case in which expeditious disposal of the application under

Order 9 Rule 13 CPC can be directed.

Accordingly, the petition is ***disposed off*** by requiring the learned Civil Judge (Junior Division) Court No. 7, District-Gorakhpur, in seisin with the Misc. Case No. 201 of 2016 (Nanhoo vs. Lalman & others), arising out of Original Suit No. 1076 of 2010 (Ram Lakhan vs. Nanhoo & others), to pass final orders and decide the same expeditiously, preferably within a period of six months, from the date of service of the certified copy of the order of this Court, in accordance with law and without granting unnecessary adjournment to either of the parties.

Order Date :- 14.12.2023

Deepak/