

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12912 of 2023

Petitioner :- Vijay Prakash And Another

Respondent :- Om Prakash And 3 Others

Counsel for Petitioner :- Ravindra Kumar Yadav

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Ravindra Kumar Yadav, learned counsel for the petitioners.
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 (Jr.Div.), Jaunpur to decide the Execution Case No. 06 of 2012 (Vijay Prakash and others versus Om Prakash and others) arising out of Original Suit No. 899 of 1991 (Ram Nihor and another versus Tulsi Ram and another) within the time frame fixed by this Court.
4. Learned counsel for the petitioners submits that the Execution Case is pending considering since 2012. Learned counsel for the petitioners submits that Court below had decreed the suit filed by the petitioners on the basis of compromise between the parties. Thereafter, petitioners have filed execution proceedings, but the same is pending consideration till date. Learned counsel for the petitioners submits purpose of filing present petition shall stands served if the appropriate directions are issued to Court below to conclude and decide the Execution Case, within the time frame fixed by this Court.
5. Having heard learned Counsel for the petitioners and having perused the record, this Court is of the opinion that the proceedings of execution case is liable to be expedited in view of the judgment of the Apex Court in the case of ***Rahul S. Shah Vs. Jitendra Kumar Gandhi and others, (2021) 6 SCC 418***, wherein the Apex Court has clearly laid down that execution proceedings should be brought to its logical end within 6 months from the date filing which may be extended only by recording reasons in writing for such delay.

6. In such view of the matter, this petition is ***disposed of*** requiring Civil Judge (Jr.Div.), Jaunpur seized with Execution Case No. 06 of 2012 (Vijay Prakash and others versus Om Prakash and others) arising out of Original Suit No. 899 of 1991 (Ram Nihor and another versus Tulsi Ram and another) to conclude and decide the case expeditiously preferably within a period of ***six months***, 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, if there is no other legal impediment.

Order Date :- 16.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)