

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 3172 of 2020

Petitioner :- Vrindavan Shukla And Anr.

Respondent :- Addl.District Judge Court No. 11 Sultanpur And Ors.

Counsel for Petitioner :- Rahul Roshan Dubey,Amit Kant Saxena

Counsel for Respondent :- Ram Kushal Tiwari

Hon'ble Rajnish Kumar,J.

1. Supplementary affidavit filed by learned counsel for the petitioners is taken on record.
2. Heard Sri Rahul Roshan Dubey learned counsel for the petitioners and Sri Ram Kushal Tiwari learned counsel for the respondent no.3.
3. None has put in appearance despite sufficient service upon respondent nos.4 to 16.
4. Learned counsel for the petitioners submits that this petition has been filed challenging the order dated 20.01.2020 passed in Misc. Civil Appeal no.16 of 2019 preferred against the order dated 14.01.2019 passed in Original Suit no.514 of 2018 (Vrindavan Shukla and anr vs Chhedi Ram and other) rejecting the application 4Ga(2) under Order 39 Rule 1 and 2 C.P.C. However, no interim order has been granted in this case. Since the matter is pending since 2020 and before the trial court since 2018 therefore, direction may be issued for disposal of regular suit within some stipulated period.
5. On the other hand, learned counsel for the respondent no.3 submits that the petitioners had wrongly got connected the writ petition no.2018 (Matter under Article 227) of 2022 with this petition, in which there was an interim order. However, the same has no concern with the present case but on account of order dated 12.10.2022, by means of which, it was provided that interim order, if any, shall continue till the next listing in connected petition no.2018 (Matter under Article 227) of 2022, the petitioner has got the benefit of the interim order granted in the said petition in regular suit no.514 of 2018 (Vrindavan Shukla vs Chhedi Ram and others) by means of the order dated 10.02.2023 passed by the Civil Judge (Junior Division) FTC Sultanpur, a copy of which has been placed on record along with supplementary affidavit filed today which could not have been done. Therefore, the submission of learned counsel for the respondent no.3 is that clarifying this position the appropriate order may be passed on disposal of the suit.

6. Having considered the submissions of learned counsel for the

parties and on perusal of the records and the order sheet of this petition, it transpires that no interim order has been passed in this petition and it appears that on the request of the counsel for the petitioners, the matter was listed along with records of petition no.2018 (Matter under Article 227) 2022, by means of the order dated 05.07.2022. Thereafter on account of listing of both the cases together, the interim order has been extended in the connected petition by means of the order dated 12.10.2022, clarifying that interim order, if any, shall continue till the next date of listing in connected petition no.2018 (Matter under Article 227) 2022, therefore, it is apparent that the interim order granted, if any, in the connected petition no.2018 (Matter under Article 227) of 2022 was extended, which cannot construe to grant of interim order in this petition in regard to regular suit no.514 of 2018 (Vrindavan Shukla vs Chhedi ram) in which an application for interim relief was rejected by the trial court by means of the order dated 14.01.2019 and the Misc. Appeal no.16 of 2019, against which, has been dismissed by means of the order dated 20.01.2020, the orders, which have been challenged in this petition.

7. In view of the above, it is clarified that there is no interim order in this petition in regard to regular suit no.514 of 2018 and the order dated 10.02.2023 passed by the trial court is liable to be recalled/vacated/clarified by the trial court, in regard to which, the appropriate application may be moved by the respondent no.3. However, in any case, there is no interim order in this case, the trial court has to clarify this position.

8. So far as the prayer for disposal of suit is concerned, this Court on the administrative side has already issued directions to the court below for zero pendency of cases, which are more than five years old. In view of directions already issued on administrative side, this court is not inclined to pass any further order on judicial side.

9. However, it is always open for the petitioners to move appropriate application before the court before which the matter is pending for expeditious hearing and disposal and the concerned court is to consider the same and pass appropriate orders thereon.

10. With the aforesaid, the petition is **dismissed**.

11. Interim order, if any, is hereby vacated.

(Rajnish Kumar,J.)

Order Date :- 28.11.2023/Harshita