

Court No. - 17

Case :- MATTERS UNDER ARTICLE 227 No. - 2740 of 2023

Petitioner :- Smt. Kamlesh Mittal And Another

Respondent :- Addl. District Judge-5 Lko. And Another

Counsel for Petitioner :- Surangama Sharma

Hon'ble Alok Mathur,J.

1. Heard Sri Vaibhav Dixit, learned counsel for petitioner.
2. The order-sheet indicates that notices to private respondents has been sufficiently served. Despite service, no one has appeared.
3. Present writ petition has been filed under Article 227 of the Constitution of India by the petitioner to direct Additional District Judge-V, Lucknow to decide the SCC Suit No. 106 of 2011 expeditiously.
4. It has been submitted by learned counsel for petitioner that a suit for eviction was filed by the petitioner against private respondents who are the tenants and SCC Suit No. 106 of 2011 was accordingly instituted.
5. Due to long pendency of the aforesaid case, the petitioner has approached this Court on previous occasion by filing Writ No. 5577 of 2014 where expedite orders were passed by means of order dated 06.09.2014. Subsequently, it seems that trial court had passed an order dated 20.07.2019 permitting the defendants to participate in the proceedings and had after recalling the order of ex-parte proceedings but said order was assailed before this court in Writ Petition No. 21896 of 2019 and the order was stayed by this Court on 09.08.2019. The Writ Petition No. 21896 (MS) of 2019 has already been dismissed by this Court on 01.11.2023.
6. It has further been submitted that respondents have participated in the proceedings in suit No. 106 of 2011 and the case is at the stage of final hearing for more than one year and in the aforesaid fact the prayer has been made for expeditious disposal of the said case.
7. Considering the fact that the case is pending for 12 years and a case of limited interference is made out.

8. In light of the above, the Additional District Judge, Lucknow is directed to decide the aforesaid case in accordance with law expeditiously, say, within a period of three months from the date a certified copy of this order is produced before him after hearing all the parties concerned, if there is no legal impediment. He shall not grant any unnecessary adjournment including on the ground of strike of lawyers. In case the court concerned is unable to decide the said suit on the given date, it shall record reasons for not being able to decide the same.

9. Learned counsel for petitioner undertakes that petitioner shall cooperate in the said proceedings and will not take any unnecessary adjournments.

10. With the aforesaid observation / directions, the writ petition stands disposed of.

(Alok Mathur, J.)

Order Date :- 1.11.2023

Ravi/