

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 4095 of 2023

Petitioner :- Hariram And 7 Others

Respondent :- Civil Judge (J.D.) Court No. 30 Distt. Sultanpur And 10 Others

Counsel for Petitioner :- Mukesh Kumar Sharma

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Rajnish Kumar,J.

Heard, Shri Ramendra Mahindra, Advocate holding brief of Shri Mukesh Kumar Sharma, learned counsel for the petitioner, Shri Mohan Singh, learned counsel for for opposite party No.10 and learned Additional Chief Standing counsel for respondent no.11.

Opposite party no.1 is the court concerned. Considering the nature of order proposed to be passed issuance of notice to respondents no.2 to 9 is dispensed with.

This court had passed the following order on 17.08.2023:-

"Shri Rajendra, Advocate holding brief of Shri Mukesh Kumar Sharma, learned counsel for the petitioners submits that the predecessor in interest of respondent Nos.2 to 4 and respondent No.5 have filed Regular Suit No.276 of 1990 (Rajpati and others Vs. Sohwat and others), in which the written statement has been filed by the petitioner, but even after lapse of 33 years, the issues have not still been framed and the case is being adjourned on one or other grounds.

In view of above, let a report be called by the Senior Registrar of this Court from the concerned court, i.e., Civil Judge (J.D.), Court No.30, Sultanpur through District Judge, Sultanpur with his comments as to why the issues have not still been framed and what efforts are being made by the court concerned as well as the District Judge for disposal of such old case and in how much time, the suit can be disposed of before the next date of listing.

List on 5th September, 2023 in top 20 cases.

In the meantime, copy of the order sheet at least last 3 years be filed by learned counsel for the petitioners. "

In deference to the aforesaid order, the District Judge, Sultanpur has sent his comments with a report of the concerned court.

Learned counsel for the petitioners submits that the issues have been framed on 12.09.2023 and now the case is at the stage of evidence and the date is fixed on 24.11.2023 for evidence.

Perusal of the report submitted by the court concerned indicates that the case could not be proceeded on account of one or the

other reason, in which whenever the case proceeded exparte against the defendants they moved the applications for recall, which took time to decide and absence of parties on some dates.

In view of above and looking that it is an old case, the petition is **disposed of** with direction to the concerned court to decide the Regular Suit No.276 of 1990; Rajpati and others Versus Sohwat and others expeditiously and preferably within a period of eight months from the next date fixed in the court concerned, when the petitioners shall place a copy of this order on record of the concerned court and inform to the court about it, in accordance with law and fixing short dates and without granting unnecessary adjournments to either of the parties and the adjournment, if any will be on cost.

(Rajnish Kumar,J.)

Order Date :- 26.10.2023

Banswar