

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 4471 of 2023

Petitioner :- Deep Kumar Jaiswal

Respondent :- Civil Judge (Junior Division) Court No.13, Barabanki And Another

Counsel for Petitioner :- V.K. Srivastava

Hon'ble Rajnish Kumar,J.

Sri V.K.Srivastava, learned counsel for the petitioner submits that the petitioner has filed a suit for mandatory injunction bearing Regular Suit No.1458 of 2021(Dep Kumar Jaiswal versus Rajesh Tandon),which is pending in the Court of Civil Judge(J.D.) Court No.13, Barabanki. The petitioner is aged about 70 years and remains ill, therefore there is urgency in the matter and direction may be issued for disposal of the suit in a time bound manner expeditiously. He further submits that the issues have already been framed and the case is being listed for disposal of issues no.4,5 and 6, whereas perusal of the order sheet indicates that the case was listed for disposal of the issues no.4,5 and 6 by means of the order dated 24.01.2023 after framing the issues. Thereafter the case is being listed for filing written statement by means of the order dated 23.08.2023 and 15.09.2023 but the position in this regard could not be clarified by learned counsel for the petitioner. Even otherwise, the ground of urgency, if any, for disposal of the suit can be made before the concerned court only, who can consider the same.

In view of above, without entering into the merits of the case, the petition is **disposed of** with liberty to the petitioner to move appropriate application for expeditious disposal the suit before the concerned court showing urgency. In case any such application is moved within a period of two weeks from today, the concerned court shall consider the same and pass appropriate orders thereon within a further period of two weeks and proceed accordingly as per law.

Order Date :- 18.11.2023

Akanksha