

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5051 of 2023

Petitioner :- Smt. Arti Soni And Another

Respondent :- Civil Judge (Senior Division)/F.T.C. Court No. 15, Sultanpur
And 5 Others

Counsel for Petitioner :- Vyas Narayan Shukla

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the parties.

In view of order proposed to be passed, issuance of notice to the private-respondents is hereby dispensed with.

By means of this petition, the petitioners have sought the following main relief:-

"I. Issue an order or direction to the opposite party no. 1 i.e. Civil Judge (Senior Division)/F.T.C. Court No. 15, Sultanpur to decide the Original Suit No. 853/2018 Arti versus HDFC Bank Ltd. in the nature of declaratory suit whereby opening of locker no. 136 under the custody of the opposite party no. 2, which is pending before him since 23/10/2018 as expeditiously within stipulated time."

Considering the fact that a suit for declaration filed by the petitioners with regard to locker No. 136, which was in the name of one Arvind Kumar Soni, husband of the petitioner No. 1, who as per the averments made in the plaint (Annexure No. 1 to this petition), expired in the month of October, 2014 as also that the Bank concerned in para 11 of the written statement filed in the suit, in issue, has specifically stated that the petitioner No. 1 is the nominee of deceased in respect of locker, in issue, as appears from Annexure No. 2 to this petition, which is a copy of written statement filed by the Bank and the said suit is pending till date, though, almost 5 yeas have elapsed and on account of the same, the petitioner No. 1 and petitioner No. 2, who is daughter of deceased Arvind Kumar, are suffering great hardship and mental agony, the present petition is disposed of with a direction to the Court concerned to consider and decide the Original Suit No. 853/2018 (Arti versus HDFC Bank Ltd.) most expeditiously after affording full opportunity of hearing to the parties to the litigation and without granting any adjournment to either party preferably within a period of six months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

It is made clear that the Court has not examined the case of either party on merits and the Court concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is ***disposed of***.

Order Date :- 10.10.2023/Arun/-