Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5059 of 2023

Petitioner :- Noor Mohammad
Respondent :- Khatunbegam And 2 Others
Counsel for Petitioner :- Laxmi Narayan Gupta

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the petitioner.

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 petitioner has sought the following main relief:-

"a) To issue order or Direction directing to the Civil Judge (Junior Division), Lalganj, District-Pratapgarh to decide the Cancellation of Sale Deed bearing Suit No. 468/2022 (Noor Mohammad V/S Khatun Begam & Others) which is pending since 06.09.2022 before him, within a stipulated period as early possible in the interest of justice as contained in Annexure No. 1 to this petition."

The present petition has been filed for expeditious disposal of Suit No. 468/2022 (Noor Mohammad V/S Khatun Begam & Others), which is pending since 06.09.2022, as such, the petitioner has approached this Court seeking a direction to decide the suit, in issue, at an early stage of proceedings. As such, the present petition for the main relief sought, at this stage, is not maintainable. In this regard, reference can be made to the judgments passed by the Division Bench of this Court in the cases of ***Km. Shobha Bose v. Judge Small Causes & Ors., 2011 (88) ALR 850*** and ***Ali Shad Usmani & Ors. v. Ali Isteba & Ors. 2015 (109) ALR 513***.

After considering the case of the petitioner in the light of the parameters laid down by this Court in the cases of ***Km. Shobha Bose*** (Supra) and ***Ali Shad Usmani*** (supra), this Court is of the view that no direction, at this stage, can be issued to the Authority concerned to decide the above mentioned suit within the certain time frame.

In view of above, the main relief, as prayed for in this petition, cannot be granted at this stage. As such, the present petition is

disposed of with liberty to the petitioner to move an appropriate application for expediting the proceedings of the pending case before the Authority/Court concerned and in case, such an application is moved, then the Authority/Court concerned shall pass appropriate orders on the same within reasonable time in accordance with law.

It is made clear that the Court has not examined the case of either party on merits and the Authority/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/-

Digitally signed by :-
ARUN KUMAR GANGWAR
High Court of Judicature at Allahabad,
Lucknow Bench