

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5161 of 2023

Petitioner :- Mohd. Akhlad Beg

Respondent :- Addl. District Judge Court No. 4, Bahraich And
10 Others

Counsel for Petitioner :- Hom Narayan Awasthi

Hon'ble Saurabh Lavania, J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

By means of this petition, the petitioner seeks expeditious disposal of Misc. Civil Appeal (M.C.A.) No.01 of 2020 (Juber Beg and Another vs. Haroon Beg and Others) filed under Order 43 Rule 1 (R) of the CPC is pending before the respondent No.1.

With regard to the prayer sought, it is stated by the learned counsel for the petitioner that in a Suit No. 586 of 2018, on the application for temporary injunction preferred by the plaintiff namely Abdul Khaliq Beg, predecessor-in-interest of the petitioner, an order was passed on 06.01.2020 whereby the defendants to the suit were directed not to interfere in the peaceful possession of the plaintiff. After death of the original plaintiff, name of his legal heirs was substituted. The defendants to the suit being aggrieved by the order dated 06.01.2020 filed an appeal under Order 43 Rule 1(R) of CPC, which is pending as Misc. Civil Appeal (M.C.A.) No.01 of 2020. The said appeal is at the stage of final arguments.

He submitted that considering the period of pendency of the Misc. Appeal as also that the same is at the stage of final arguments, the indulgence of this Court is required in the matter. Prayer is to direct the concerned Court i.e. Additional District Judge, Court No.4, Bahraich to decide the appeal expeditiously.

Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this petition pending. Accordingly, this petition is disposed of with a direction to the respondent No.1-Additional District Judge, Court No.4, Bahraich to consider and decide Misc. Civil

Appeal (M.C.A.) No.01 of 2020, 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 this Court has not examined the case of either party on merits and the Authority concerned shall be free to decide the matter strictly in accordance with law.

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

Order Date :- 16.10.2023

Vinay/-