

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5261 of 2023

Petitioner :- Munni Devi

Respondent :- The Court Of Learned Civil Judge (Junior Division) Kunda Pratapgarh
And 6 Others

Counsel for Petitioner :- Vaibhav Tripathi

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-respondent(s) is hereby dispensed with.

The present petition has been filed for the following main relief:-

"(i) direct the Opposite Party No. 1 i.e. The Court of Learned Civil Judge (Junior Division), Kunda Pratapgarh to decide the original suit No 312 of 2010; Munni Devi Vs. Badri Prasad (Dead) now Bindu and others, for permanent injunction, expeditiously as this Hon'ble Court may deemed fit which is pending before Opposite Party No. 1 since 2010 (contained in Annexure No.1), in the interest of justice."

It is submitted that for the reasons beyond control of the petitioner, the case, in issue, has not been decided till date, though, the same is pending since 2010 and on account of pendency of the same, the petitioner, is suffering great hardship and mental agony. In these circumstances, indulgence of this Court is required in the matter. The prayer is to direct the court concerned, to decide the pending proceedings within stipulated period of time.

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 concerned court/competent authority to consider and decide the Original Suit No 312 of 2010 (Munni Devi Vs. Badri Prasad (Dead) now Bindu and others} 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 one year 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 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

Jyoti/-