

Court No. - 17

Case :- MATTERS UNDER ARTICLE 227 No. - 5286 of 2023

Petitioner :- Abdul Mannan

Respondent :- Learned Judge Small Cause Court/Addl. District Judge, Court No. 8, Lko. And Another

Counsel for Petitioner :- Mudit Agarwal

Hon'ble Alok Mathur, J.

1. Heard Sri Mudit Agarwal, learned counsel for petitioner.
2. By means of the present writ petition, the petitioner has sought a direction to the Judge Small Causes Courts Act/Additional District Judge, Lucknow to decide the S.C.C.133/2020 (Abdul Mannan Vs. Mohammad Anees) within a specific period.
3. It has been submitted by learned counsel for petitioner that the petitioner is a landlord of the premises situated at third floor and fourth floor of Hi-Tech Plaza Building at 34, Lalbagh, P.s. Hazratganj, Lucknow of which respondent No. 2 is the tenant. The said suit was filed for vacation and arrears of rent against respondent No. 2.
4. Considering the prayer made by the petitioner and a perusal of the order-sheet indicates that an application under Order VII Rule 11 CPC was dismissed by the Court by means of order dated 16.01.2023 and consequently after filing of the written statement by the respondent, the matter is at the stage of evidence. The matter is being pending for the last nearly three years.
5. Learned counsel for petitioner could not point out any extra-ordinary circumstances for the direction as sought by the petitioner except the fact that petitioner is a senior citizen.
6. Considering the fact that matter is pending for only three years and also perusal of the order-sheet indicates that the matter is being listed regularly before the court below, no interference at this stage is called for in the present case and hence no interference under Article 227 of the Constitution of India is made out.
7. In light of the above, the writ petition is dismissed. However, the dismissal of this petition will not enable the court below from proceeding with the matter expeditiously and deciding the same without any unnecessary adjournments to the parties.

(Alok Mathur, J.)

Order Date :- 16.10.2023

Ravi/