

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5314 of 2023

Petitioner :- Amit Kumar

Respondent :- Civil Judge (Junior Division) Court No. 13, Distt. Barabanki And Another

Counsel for Petitioner :- Gajendra Kumar Mishra,Rahul Yadav

Hon'ble Rajnish Kumar,J.

Heard, Shri Rahul Yadav, learned counsel for the petitioner.

Submission of learned counsel for the petitioner is that the petitioner has filed a Case bearing No.1188 of 2019; Amit Kumar Versus Ramavati, under Order 7 Rule 1 read with Section 26 CPC for specific performance, which is pending in the court of Civil Judge (Jr.Div.) Court, No.13, District-Barabanki, in which till date the written statement has not been filed, therefore the case is not proceeding and the case is being repeatedly listed for filing written statement against the provisions made in the Civil Procedure Code and the law laid down by the Hon'ble Supreme Court, therefore he makes an innocuous prayer for a direction for disposal of the case within some stipulated period.

From perusal of the order sheet it is apparent that the case is being listed for filing written statement and disposal of application No.Ga-6, therefore this court does not deem it appropriate at this stage to issue direction for disposal of Regular Suit. Even otherwise it is to be seen by the concerned court looking to the urgency, if put forth by the petitioner by way of an application, if required.

In view of above and without entering into the merit of the case the petition is **disposed of** with liberty to the petitioner to move appropriate application before the concerned court under the relevant provision of the Code of Civil Procedure since the

written statement is not being filed and the case is repeatedly being listed by the concerned court against the provisions of the CPC and law laid down by the Hon'ble Supreme Court. In case any such application is moved before the court concerned before the next date of listing the concerned court shall consider the same and pass appropriate order on the date fixed or expeditiously thereafter in accordance with law and proceed accordingly.

(Rajnish Kumar,J.)

Order Date :- 17.10.2023

Banswar