

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5606 of 2023

Petitioner :- Pancham Lal And Another

Respondent :- Learned Civil Judge (S.D.) Shrawasti And Another

Counsel for Petitioner :- Deepak Kumar Pandey,Raj Kumar

Hon'ble Saurabh Lavania,J.

Heard.

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 petitioners has sought the following main relief:-

*"(i.) Issue a suitable order or direction commanding the Learned court below to decide the Suit for Permanent Injunction U/s-38 of Specific Relief Act, bearing **Original Suit No.-93/2022, parties 'Nand Kumar Versus Kailashnath and another, currently pending before court of Learned Civil Judge (Senior Division), Shrawasti i.e. O.P. No.-1, expeditiously within such period as may be stipulated by this Hon'ble Court in the interest of justice."***

The present petition has been filed for expeditious disposal of Original Suit No.-93/2022 (Nand Kumar vs. Kailashnath and Another), which is pending since 2022, as such, the petitioners have 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 petitioners 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/Court concerned to decide the above mentioned suit/case 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 petitioners 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 :- 2.11.2023

Vinay/-