

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5626 of 2023

Petitioner :- Aditya Kumar Srivastava And 2 Others

Respondent :- Civil Judge (S. D.) Malihabad Lko. And 2 Others

Counsel for Petitioner :- Ashish Kumar Singh, Dharmendra Kumar Bhatt, Yogesh Kesarwani

Hon'ble Saurabh Lavania, J.

Heard.

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

Present petition has been filed for the following main relief:-

"It is wherefore very respectfully prayed that this Hon'ble Court may graciously be pleased to issue suitable direction to the opp. party no. 3 to decide the suit R.S. No. 1930/2021 (Aditya Kumar Srivastava and others Vs Om Prakash Srivastava and another) within the period prescribed by this Hon'ble Court without giving any unnecessary adjournment in the case."

With regard to the prayer sought, it has been submitted by the learned counsel for the petitioners that the suit instituted by the petitioners seeking decree of declaration is pending as R.S.No.1930 of 2021 before the respondent No.1-Civil Judge (S.D.), Malihabad, Lucknow and is proceeding ex-parte, as appears from the order dated 14.07.2022. Thereafter, in terms of order of the trial Court the petitioners preferred affidavit of evidence on 15.10.2022 and thereafter, the case was fixed for 02.12.2022 for ex-parte arguments but till date the suit has not been decided.

Taking note of aforesaid aspect of the case particularly that for the first time the case was fixed for 02.12.2023 for ex-parte arguments, as appears from the record and last date fixed in the same was 09.07.2023, present petition is disposed of with direction to respondent No.1-Civil Judge (S.D.), Malihabad, Lucknow to consider and decide the case/suit i.e. R.S.No.1930 of 2021, most expeditiously, after affording full opportunity of hearing to the parties, but without granting any adjournment to either of the parties 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.

It is made clear that the Court has not examined the case of either of the parties 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 :- 2.11.2023/Vinay/-