

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5644 of 2023

Petitioner :- Omnath Gupta @ Gappu

Respondent :- Vivek Kumar Gupta

Counsel for Petitioner :- Sarvesh Kumar Verma

Hon'ble Rajnish Kumar,J.

Heard Sri Sarvesh Kumar Verma, learned counsel for the petitioner.

This petition has been filed with the following prayers:-

"(i) Issue order or direction in the nature of certiorari thereby quashing the impugned judgment and order dated 28.01.2021 passed by First Upper District Juge Lakhimpur Kheri in Civil Misc. Appeal No.37/2016, Computerized Reg No.34/2016 CNR No.UPLP1005974/2016 under order 43 Rule 1 of C.P.C. in Re; Vivek KUMar Gupta versus Omnath Gupta @ Gappu and quashing the order dated 29.06.2016 passed by Upper Civil Judge (J.D.) Mohammadi, District Kheri in Case No.71/2013; Vivek Kumar Gupta versus Omnath Gupta contained as Annexure No.1 and 2 to the petition.

(ii) Issue order or direction in the nature of mandamus to commanding to Civil Judge J.D. Mohammadi Kheri to decide the Case No.71/2013 in Re; Vivek Kumar Gupta versus Omnath Gupta filed by the opposite party which is still pending within specific period as prescribed by the Hon'ble Court in the interest of justice.

(iii) Any other order or direction which this Hon'ble Court may deem fit and proper and may also be passed in favour of the petitioner in the interest of justice."

Learned counsel for the petitioner after arguing at some length submits that this petition may be dismissed as not pressed in regard to prayer no.1 and submits that a direction may be issued for disposal of Regular Suit No.71/2013(Vivek Kumar Gupta versus Omnath Gupta) within some short stipulated period.

In view of above, the petition is dismissed as not pressed in regard to prayer no.1.

In view of the order proposed to be passed this Court does not deem it necessary to issue notice to respondents as their interest would be well protected by the order passed by this Court.

This court on administrative side has already issued directions to the court below to obtain zero pendency of cases which are more than five years old. In view of directions already issued on administrative side, this court is not inclined to pass any further

order on judicial side.

However, it is always open for the petitioner to move appropriate application before the court before which the matter is pending for expeditious hearing. In case any such application is moved within two weeks from today the same shall be considered and disposed of within two weeks thereafter and endeavour shall be made to decide the Suit within a time frame.

With the aforesaid, the petition is **disposed of**.

Order Date :- 3.11.2023

Akanksha