

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5742 of 2023

Petitioner :- Pradeep @ Pradeep Kumar

Respondent :- Civil Judge (Senior Division) Room No. 15,
Sultapur And 21 Others

Counsel for Petitioner :- Anuj Kumar Singh

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 petitioner has sought the following main relief:-

"Direct the Opposite Party No. 1 i.e. Civil Judge (Senior Division) Room No. 15, Sultanpur to decide the Original Suit No. 120/2021 (Brijesh Kumar Versus Pradeep and others) filed by the opposite party no. 2 (Plaintiff of the Suit), on 16.01.2021 for Permanent Injunction, which is pending before him within stipulated time period."

The present petition has been filed for expeditious disposal of Original Suit No. 120/2021 (Brijesh Kumar Versus Pradeep and others), which is pending since January, 2021, as such, the petitioner has 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 petitioner 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 concerned to decide the above mentioned suit 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 petitioner 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 :- 7.11.2023

Vinay/-