

Court No. - 17

Case :- MATTERS UNDER ARTICLE 227 No. - 5773 of 2023

Petitioner :- Kishore Kumar Gupta

Respondent :- Prescribed Authority/Addl. Civil Judge Senior Division Court No. 21 Lucknow And 2 Others

Counsel for Petitioner :- Manoj Kumar Singh

Hon'ble Alok Mathur,J.

1. Heard Sri Manoj Kumar Singh, learned counsel for petitioner.
2. Present writ petition has been filed under Article 227 of the Constitution of India by the petitioner for a direction to competent court to decide P.A. Execution Case No. 141 of 2021 (Kishore Kumar Gupta Vs. Om Praakash & another) filed by the petitioner.
3. It has been submitted by learned counsel for petitioner that petitioner has filed a suit for eviction under Section 21 (1)(a) of U.P. Act XIII of 1972 for release of shop No. 13 situated in house No. 92/91 on the ground floor portion of the said house situated at Aminabad Lucknow. The said suit was decreed on 17.09.2011.
4. Against the said order, an appeal has been filed in the court of Additional District Judge, Lucknow which is pending and it has been stated that there is no interim order staying the operation of the order of the trial court.
5. In the aforesaid facts, the petitioner has filed suit for execution of the judgment and order dated 17.09.2021 which has been registered as P.A. No. 104 of 2021 in the court of prescribed authority/Additional Civil Judge (Sr. Div.), Lucknow.
6. It is stated that till date the execution proceedings have not been finalized. Though the matter is being regularly listed and adjourned. It has further been stated that respondents has appeared in the said proceeding and has also filed his objections.
7. In light of the above, the writ petition is disposed of with a direction to the prescribed authority /Additional Civil Judge (Sr. Div.), Court No. 21, Lucknow is directed to conclude the

proceedings of Execution Case No. 104 of 2021 expeditiously, in accordance with law. He shall not grant any unnecessary adjournment including on the ground of strike of lawyers. In case the court concerned is unable to decide the said suit on the given date, it shall record reasons for not being able to decide the same.

9. Learned counsel for petitioner undertakes that petitioner shall cooperate in the said proceedings and will not take any unnecessary adjournments.

(Alok Mathur, J.)

Order Date :- 8.11.2023

Ravi/