

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5795 of 2023

Petitioner :- Vivek Tiwari

Respondent :- Learned Civil Judge (J.D.) Court Room No. 17
Pratapgarh And 3 Others

Counsel for Petitioner :- Prashant

Hon'ble Rajnish Kumar,J.

Shri Prashant, learned counsel for the petitioner at the outset submits that inadvertently and due to typographical mistake he could not implead Abhishek Tiwari, the applicant no.2 in Misc. Case No.2 of 2023 in this petition, therefore he may be permitted to implead Abhishek Tiwaril as opposite party no.5 in this petition.

On due consideration, learned counsel for the petitioner is permitted to implead Abhishek Tiwari as opposite party no.5 in this petition.

Heard Shri Prashant, learned counsel for the petitioner.

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

By means of the present petition, the petitioner has prayed for the following reliefs:-

"a. Issue order or direction to the opposite party no.1 to decide the Application under Order 9 Rule 13 C.P.C. dated 31.05.2013 in Regular Suit No.1835/1999, Sitapati and Vivek Tiwari and others, which was registered as Misc case No. 2/2013 (Vivek Tiwari and another Vs Sitapati & others) for stipulated period pending before opposite party no.1 for stipulated period pending before opposite party no.1, in the interest of justice.

b. Any other order, or direction, which this court deem fit and proper under the circumstances of the case, in favour of Petitioners be passed, in the interest of justice.

c. Allow the petition with cost in favour of the petitioners."

This court on administrative side has already issued directions to the court below for 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 and disposal. In case any such application is moved within a week 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**.

(Rajnish Kumar, J.)

Order Date :- 9.11.2023

Haseen U.