

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2828 of 2024

Petitioner :- Syed Mohsin Hasan And Another

Respondent :- Civil Judge Junior Division North And Another

Counsel for Petitioner :- Lal Bahadur Khan

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri Lal Bahadur Khan, learned counsel for the petitioner.

2. By means of the present petition under Article 227 of the Constitution of India, the petitioner has sought following prayer:-

"To direct the learned opposite party no.1/Civil Judge (J.D.) North, Lucknow to decide the Regular Suit No.1318/2018 "Syed Mohsin Hasan & Anr. vs. Warisha Rehan" filed for cancellation of will deed dated 29.05.2014, pending before him since 29.05.2018, expeditiously, within a stipulated period of time."

3. The submission of the learned counsel for the petitioner is that a suit for cancellation of Will deed dated 29.5.2014 is pending before the Court of learned Civil Judge (Junior Division) North, Lucknow since 2015. He further submits that the defendants in the said suit has already put in their appearance but due to one or the other reason, the same could not have been decided. Submission of the learned counsel for the petitioner is that due to the pendency of the said suit the petitioner is facing undue hardship.

4. The prayer made on behalf of the petitioner, in the present writ petition is limited only to the extent that the learned Civil Judge (Junior Division) North, Lucknow be directed to decide the Regular Suit No. 1318/2018 (Syed Mohsin Hasan & Anr. vs. Warisha Rehan) in a time bound manner.

5. It is noteworthy, that this Court on administrative side has already issued directions to the Courts below to ensure 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.

6. In view of the order proposed to be passed in the present writ petition, notice to private respondent no. 2 is dispensed with.

7. This Court at this stage is not inclined to interfere in the instant matter under Article 227 of the Constitution of India. However, in the interest of justice, liberty is granted to the petitioner to approach the learned learned Civil Judge (Junior Division) North, Lucknow by moving an appropriate application detailing urgency for expeditious disposal of Regular Suit No. 1318/2018 (Syed Mohsin Hasan & Anr. vs. Warisha Rehan), and in case, if such an application is moved, the Court concerned shall consider the same within a period of three weeks from the date of filing of such an application along with the copy of this order. It is provided that if the Court concerned finds that a case for urgency is made out, it shall pass appropriate orders thereupon, in accordance with law.

8. It is made clear that this Court has not examined the case on merit and the Court concerned shall decide the same on merit strictly in accordance with law.

9. With the aforesaid observations, the instant writ petition is **disposed of**.

Order Date :- 4.6.2024

Anupam