

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2851 of 2024

Petitioner :- Ashfaq Khan And Another

Respondent :- Civil Judge (Junior Division) West District
Hardoi And 4 Others

Counsel for Petitioner :- O.P. Tiwari, Anand Mishra, Deepesh
Kumar Yadav, Jitendra Kumar Singh, Maneesh Pandey, Pallavi
Vatsala

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Shri Jitendra Kumar Singh, learned counsel for petitioner, Shri Rajeev Srivastava, learned Standing Counsel for the State and perused the material available on record.

2. By means of this petition, the petitioner has sought following prayer:-

"(i) to issue a direction to learned Civil Judge (Junior Division) West, District Hardoi to decide Suit for Compensation, Original Suit No. 384 of 2020 (Ashfaq Khan and another Vs. Executive Engineer and others) as soon as possible at an early date, which is pending since 20.05.2020."

3. Learned counsel for petitioner has submitted that the suit for compensation is pending since 20.05.2020 before the learned Civil Judge (Junior Division), West, District Hardoi as Original Suit No. 384 of 2020 (Ashfaq Khan and another Vs. Executive Engineer and others). He further submitted that although the defendants in the suit has already put in their appearance and have filed their reply but for one reason or the other, the aforesaid case is lying undecided causing undue hardship to the petitioner.

4. Learned Standing Counsel for the State has no objection to the extent that a direction be issued by this Court to decide the aforesaid case.

5. Considering the facts and circumstances of the case and also

without entering into the merits of the case, the writ petition is ***disposed of*** finally with a direction to the learned Civil Judge (Junior Division) West, District Hardoi to make an earnest endeavour to consider and decide the Original Suit No. 384 of 2020 (Ashfaq Khan and another Vs. Executive Engineer and others) in accordance with law as expeditiously as possible, say within a period of six months from the date of production of certified copy of this order after providing opportunity of hearing to all the concerned parties.

6. However, it is made clear that unnecessary adjournment shall neither be sought by the parties to the case nor the same shall be granted by learned court below, if prayed for, will be permissible to be granted only in exceptional circumstances.

7. With the aforesaid observations/directions, this petition is disposed of.

Order Date :- 4.6.2024

Virendra