

Court No. - 20

Case :- MATTERS UNDER ARTICLE 227 No. - 3853 of 2024

Petitioner :- Jeetendra Prasad Pandey

Respondent :- Civil Judge (Senior Division) And 3 Others

Counsel for Petitioner :- Aditya Tiwari

Hon'ble Ajay Bhanot,J.

The only prayer made by the learned counsel for the petitioner is to decide the proceedings of Civil Suit No. 1600255/2013, Computerized Case No.UPPGO50000952013 (Jitendra Prasad v. Sant Prasad Pandey and others), pending before the learned Civil Judge (Senior Division), Pratapgarh within a stipulated period of time.

Shri Aditya Tiwari, learned counsel for the petitioner contends that the suit was instituted in the year 2013. The issues were framed in the year 2015.

Having heard the learned counsel for the petitioner and upon perusal of the order-sheet, this Court finds that the suit has been pending for more than 11 years. No good reason or valid basis in law can be prised out from the ordersheet for the inordinate delay in deciding the suit. No lis can remain pending indefinitely before a court of law. Indefinite pendency of a lis goes to the root of administration of justice. There is merit in the submission of the learned counsel for the petitioner.

In view of the preceding discussion, the following

directions are issued to the learned trial court/learned Civil Judge (Senior Division), Pratapgarh, before whom the Civil Suit No. 1600255/2013, Computerized Case No.UPPGO50000952013 (Jitendra Prasad v. Sant Prasad Pandey and others), is pending:

(I) The learned trial court/learned Civil Judge (Senior Division), Pratapgarh is directed to decide the Civil Suit No. 1600255/2013, Computerized Case No.UPPGO50000952013 (Jitendra Prasad v. Sant Prasad Pandey and others), within a period of one year from the date of receipt of a certified copy of this order.

(II) All parties are directed to cooperate in the trial proceedings.

(III) The learned trial court/learned Civil Judge (Senior Division), Pratapgarh shall not grant any unnecessary adjournment to the parties.

(IV) In case any party adopts dilatory tactics or creates impediment in compliance of this order, the learned trial court/learned Civil Judge (Senior Division), Pratapgarh shall impose costs not below Rs.5,000/- for each adjournment against such party. Thereafter, the learned trial court shall record a finding to this effect and proceed in accordance with law.

(V) In case the counsel for any party does not appear before the learned trial court/learned Civil Judge (Senior Division), Pratapgarh on any date on the ground

of strike of advocates, the trial court shall not permit such counsel (of either party) to appear in this case on future dates.

(VI) The learned trial court/learned Civil Judge (Senior Division), Pratapgarh shall proceed with the trial on a day to day basis, if required, to ensure that the above stipulated time period of one year to decide the suit is adhered to.

With the aforesaid directions, the petition is finally disposed of.

Order Date :- 20.8.2024

Ashish Tripathi