

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 657 of 2016**

1. Smt. Sandhya Jain W/o Shri Sanjay Kumar Jain, Aged About 40 Years(Plaintiff No.1)
2. Kumar Soumya Jian, D/o Shri Sanjay Kumar Jain, Aged About 18 Years

Both R/o Near Gurudwara, M.I.G.-1, Tatimbandh, Raipur, District Raipur, (Chhattisgarh)(Plaintiff No.2)

---- Petitioners**Versus**

1. Public In General Village Gidam Distt. Dantewada (CG)(Plaintiff)
2. State Of Chhattisgarh, Through: The Collector Dantewada, District Dantewada, (Chhattisgarh)(Defendant No.1)
3. Superintendent Of Police, Dantewada, District Dantewada (CG)(Defendant No.2)
4. Station House Officer, Police Station Gidam, District Dantewada (CG)(Defendant No.3)
5. Ajay Kumar Jain, S/o Vimal Kumar Jain, Aged About 45 Years R/o Main Road Gidam, Dist. Dantewada, (CG)(Defendant No.4)
6. Vimal Kumar Jain, Aged About 75 Years R/o Main Road Gidam, District Dantewada, (CG)(Defendant No.5)

---- Respondents

For Petitioners	:	Ms. Hameeda Siddiqui, Advocate.
For Respondent No. 2, 3 & 4	:	Ms. Shobha Kashyap, Dy. GA
For other Respondents	:	Not noticed.

ORDER**04/11/2016**

1. Learned counsel for the petitioners prays that instant writ petition may be disposed of by directing the trial Court to conclude the hearing and pass judgment in the Civil Suit No. 1-A/2015, as the matter in question relates to declaration of civil death of one Sanjay Kumar Jain who is missing since 23-9-2003 and the suit for declaration of civil death is filed before the court below on 22-12-2014 hence issuance of notice to other respondents is not required as per provisions of Civil Procedure Code for disposal of a civil dispute as expeditiously as possible. This Court may issue appropriate direction to the Court below under Article 227 of the Constitution of India.

2. Perused the instant writ petition 227, order sheets of the court below dated 26-7-2016, 12-8-2016, 19-9-2016, 7-10-2016 and the copy of the plaint along with return filed on behalf of respondents No. 5 and 6.
3. On perusal of the entire material, this Court is of the considered view that issuance of notice to other respondents is not required. Looking to the matter pending before the Court below, it requires disposal as expeditiously as possible especially in the light of the judgment of the Apex Court in M/s. Shiv Cotex -v- Tirgun Auto Last Ltd. reported in 2011 AIR SCW 5789 mentioned in the order sheet of predecessor of present presiding officer dated 26-7-2016 and the fact that thereafter on 19-9-2016 despite presence of defendant witnesses, on a prayer made by the defendants, the court below mechanically adjourned the matter for 7-10-2016 and on 7-10-2016 without looking to the urgency and other facts merely on oral prayer further adjourned the matter for evidence of defendants witnesses which goes to show that it is a fit case where the subordinate court be directed to dispose of the matter as expeditiously as possible.
4. Consequently, the petition filed on behalf of the petitioners under Article 227 of the Constitution of India is hereby allowed. The Court below is directed to dispose of the matter as expeditiously as possible preferably within a period of four months from the next date of hearing.
5. The petitioners may file a copy of the order before the Court below for compliance.
6. Registrar (Judicial) is also directed to send a copy of the order through usual and fax mode to the court below for compliance.
7. The petition is accordingly disposed of at motion stage itself.
8. No order as to costs.
9. Certified copy today.

Sd/-
(Chandra Bhushan Bajpai)
Judge