

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1263 of 2017

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Vikash Kumar, S/o Ramanand Prasad, R/o Road No.1, Rajendra Nagar, P.S.-
Kadamkuan, District-Patna.

.... Petitioner

Versus

Shankar Sao @ Shankar Shaw, S/o Late Kishori Lal Sao, R/o A/P/ Saha Opticals,
Nala Road, P.S.-Kadamkuan, District-Patna.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Mitali

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 24-07-2017

Heard the learned counsel for the petitioner.

The present application under Article 227 of the
Constitution of India has been filed seeking direction for disposal of
the eviction suit filed by the petitioner as plaintiff on the ground of
personal necessity of the suit premises.

From the materials on records, it transpires that the
suit for eviction has been filed in the year 2007 against the defendant.
It further transpires that the defendant appeared in the suit and filed
his written statement contesting the assertions and the relief prayed by
the plaintiff. It, however, appears that by order dated 12.07.2010
(Annexure-P4), the learned court below passed the order for striking
off the defence of the defendant against the ejectment. The said matter
reached before this Court in CWJC No.9561/2011 at the instance of



the defendant-respondent but by order dated 30.11.2011 (Annexure-P5), this Court dismissed the said writ application. It further transpires that the suit has been pending since thereafter as is transparent from the order sheet of the eviction suit which has been brought on record and from which it further transpires that the suit is at the stage of argument.

The learned counsel for the petitioner has submitted that the delay in the disposal of the eviction suit has occurred for the reasons directly attributable to the defendant which fact is apparent from the order passed by this Court as well as different orders passed by the learned court below. It has been propounded that the petitioner is suffering anxious moments due to frustration of his personal necessity for the suit premises purchased by him for the specific purpose.

After considering the submissions and the materials on record, this Court does not propose to go into the merits and the assertions made by the petitioner against the defendant. However, this Court takes into notice the fact that the suit for eviction filed in the year 2007 is still pending before the learned court below for disposal. It is well settled that undue delay in disposal of litigation shakes the confidence of the public in judicial system and for this reason appropriate provisions have been introduced in the



Code of Civil Procedure to ensure expeditious and timely disposal of a suit.

In view of the facts and circumstances, this Court in exercise of jurisdiction under Article 227 of the Constitution of India directs the learned court below to dispose of the suit expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order and submit a report to this Court. The learned court below is further directed to invoke the provisions of the Code of Civil Procedure to ward off the attempt to delay the disposal of the suit by any of the parties to the suit.

In view of the nature of the direction as above, this Court is of the opinion that no notice to the respondent is required, as this Court has not gone into the merits of the case as pleaded by the petitioner or the assertions made in this application.

The application is accordingly disposed of with aforesaid directions.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2017
Transmission Date	

