



2024:UHC:7289

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 2567 of 2024

01st October, 2024

Kamal Prasad

.....Petitioner

Versus

Kumud Vaidya and others

.....Respondents

Presence:-

Mr. Vijay Khanduri, Advocate for the petitioner.

Mr. Ashish Joshi, Advocate for respondent no.4, through video conferencing.

Mr. Mehul Joshi, Advocate holding brief of Mr. Bhuwan Bhatt, Advocate for respondent no.5.

Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State/respondent no.8.

Hon'ble Pankaj Purohit, J.

By means of this writ petition, filed under Article 227 of the Constitution of India, petitioner has sought indulgence of this Court for a direction to learned Vth Additional District and Sessions Judge, Dehradun to decide the Original Suit No.3 of 2021 (Old No.58 of 2020) 'Kamal Prasad Vs. Kumud D. Vaidya & others', as early as possible.

2. It is submitted by learned counsel for the petitioner that a testamentary Original Suit No.3 of 2021 (Old No.58 of 2020) 'Kamal Prasad Vs. Kumud D. Vaidya & others' was filed on 11.11.2020, which is still pending consideration.

3. The hearing of the Testamentary Case No.58 of 2020 (New No.3 of 2021) is being protracted by the respondents for one reason and the other.

4. The petitioner/plaintiff is 75 year old and he wants to get the aforesaid testamentary case decided and want to reap the fruits of the case in his lifetime.

5. Having gone through the complete order sheet, annexed by the petitioner as annexure no.2 to the writ petition, and having



2024:UHC:7289

considered the facts of the case, keeping in view the old age of the petitioner a direction may be issued to the trial court to decide the aforesaid testamentary case with promptitude.

6. Accordingly, the writ petition is allowed. The learned Vth Additional District Judge, Dehradun is directed to decide the Original Suit No.3 of 2021 (Old No.58 of 2020) 'Kamal Prasad Vs. Kumud D. Vaidya & others' as early as possible preferably within two years from the date of production of certified copy of this order.

7. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
01.10.2024

SK

SHUBHAM
KAPURWAN