2025:UHC:10159

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2826 of 2025
17th November, 2025

Narendra Kumar Sharma .....Petitioner

Versus

Shri Rajesh Kumar Sharma .....Respondent

Presence:-
Mr. Shivam Gulati, Advocate for the petitioner.

Hon'ble Pankaj Purohit, J.

This writ petition has been filed by the petitioner for expedite hearing of the Original Suit No.223 of 2022, *Shri Narendra Kumar Sharma Vs. Shri Rajesh Kumar Sharma*, pending in the court of learned Civil Judge (S.D.) Haridwar within a stipulated time fixed by this Court.

2. It is contended by learned counsel for the petitioner-plaintiff that the original suit for partition was filed by the petitioner-plaintiff on 11.07.2022. The evidence of the petitioner-plaintiff was taken on 26.04.2024 and the case was fixed for respondent-defendant's evidence.

3. Having taken several adjournments, finally on 31.05.2025, the respondent-defendant has filed his affidavit in evidence and the matter was adjourned for cross examination of D.W.1.

4. Since then the matter is listed for several times, but respondent-defendant could not have been cross examined.

5. Learned counsel for the petitioner-plaintiff submits that the respondent-defendant wants to delay

the matter by one way and the other and he is taking unnecessary adjournments in the matter.

6. It is further contended by counsel for the petitioner-plaintiff that the right of speedy justice is a fundamental right, therefore, a direction can be issued to learned Trial Court to expedite hearing of the Original Suit No.223 of 2022, *Shri Narendra Kumar Sharma Vs. Shri Rajesh Kumar Sharma*.

7. Having heard learned counsel for the petitioner-plaintiff and having gone through the record of the case and the entire order sheet which has been annexed by the counsel for the petitioner-plaintiff that the writ petition as well as supplementary affidavit, this Court is of the view that it transpires from perusal of the order sheet that the matter is unnecessary being lingered on by respondent-defendant by one way and the other and therefore it is a fit case where a direction can be issued.

8. Accordingly writ petition is allowed. Learned Civil Judge (S.D.) Haridwar is directed to expedite hearing of the Original Suit No.223 of 2022, *Shri Narendra Kumar Sharma Vs. Shri Rajesh Kumar Sharma*, within a period of one year from the date of production of certified copy of this order.

(Pankaj Purohit, J.)
17.11.2025

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