HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 15054 of 2026

Mohd. Arshad Khan

.....Petitioner(s)

Versus

Shahnawaz Khan @ Manna And 8 Others

.....Respondent(s)

Counsel for Petitioner(s) : Anand Singh Yadav, Mantosh Singh, Shubhendra Singh

Counsel for Respondent(s) :

Court No. - 9

HON'BLE INDRAJEET SHUKLA, J.

1. In view of the order proposed to be passed, the issuance of notices to defendants-respondents are hereby dispensed with.

2. Heard Mr. Rishabh Kumar, Advocate holding brief of Mr. Mantosh Singh, learned counsel for the petitioner.

3. By means of instant petition filed under Article 227 of the Constitution of India, petitioner-plaintiff has prayed for issuance of a direction to decide the Original Suit No. 1634 of 2019 (Mohd. Arshad Khan Vs. Shahnawaz Khan @ Manna and others) pending before learned Civil Judge (J.D.) City, Jaunpur within specific period as fixed by this Court.

4. Learned counsel for the petitioner has submitted that the pleadings are completed before the Trial Court and issues have been framed on 10.03.2026. The plaintiff apprehends for creation of third party rights.

5. This Court is cautious of the settled position of law that Constitution Bench of Hon'ble Supreme Court in **High Court Bar Association, Allahabad Vs. State of U.P. and others** reported in **(2024) 6 SCC 267,** has held that Constitutional Courts in the ordinary course should refrain from fixing a time bound period for disposal of the case pending before any other Court. Constitutional Courts may issue directions for disposal of the case only on exceptional circumstances. The issue of prioritizing the disposal of the cases should be left to the decision of the courts concerned where the cases are pending.

6. In view of the settled position of law held by the Hon'ble Supreme Court

in Constitutional Bench decision in **High Court Bar Association, Allahabad** *(supra),* petitioner is permitted to make an application before learned Trial Court expressing the urgency and prioritizing the hearing of the case. If any such application is moved within a period of one week from today, the same shall be decided by the Trial Court within a period of next four weeks considering the urgency mentioned therein and every endeavour shall be made to expedite the suit proceedings to advance substantial justice to the parties at the earliest.

7. In view of the aforesaid, the writ petition is disposed of.

October 24, 2026
Mohit

(Indrajeet Shukla,J.)

Digitally signed by :-
MOHIT KUMAR KUSHWAHA
High Court of Judicature at Allahabad