HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 15079 of 2026

Kanhaiya Lal

.....Petitioner(s)

Versus

Munni Lal

.....Respondent(s)

Counsel for Petitioner(s) : Ram Janam Shahi, Ramashray Singh Chanchal

Counsel for Respondent(s) :

Court No. - 9

HON'BLE INDRAJEET SHUKLA, J.

1. Heard Mr. R.S. Chanchal, learned Counsel for the petitioner.

2. In view of the order proposed to be passed, issuance of notice to sole respondent is hereby dispensed with.

3. By means of present petition the petitioner has prayed for issuance of suitable direction commanding the appropriate Court/Civil Judge (J.D.), Saidpur, Ghazipur to decide the Original Suit No.103 of 2018 (Munni Lal Vs. Kanhaiya Lal), within stipulated period.

4. Learned Counsel for the petitioner submits that the respondent filed the abovementioned Original Suit on 13.02.2018 for cancellation of sale-deed dated 22.01.1992 in the Court of Civil Judge (J.D.), Saidpur, Ghazipur and the petitioner filed his written statements on 17.01.2026.

5. Be the case as it may, it is for the learned trial court to take a call for expediting the proceedings of pending suit considering the urgency in individual cases.

6. Recently the Constitution Bench of Hon'ble Supreme Court in **High Court Bar Association, Allahabad vs. State of Uttar Pradesh and others** reported in **(2024) 6 SCC 267** has held that Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts.The Court further held that issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases

are pending.Relevant para 47.3 of the said judgment is extracted hereunder :-

> *"Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;"*

7. The Division Bench of this Court in **Ali Shad Usmani vs. Ali Isteba, 2015 (2) ADJ 250 (DB)** has held that no direction can be issued to the sub-ordinate courts for deciding the suit within stipulated period. Relevant portion of the judgment is extracted hereasunder:-

> *"We are not inclined to issue a direction for the expeditious hearing of a Civil Suit which is pending before the Civil Judge (Junior Division), District-Azamgarh. It would be most inappropriate to Court to entertain a writ petition under Article 226 and/or under Article 227 of the Constitution simply for the purpose of expediting the hearing of a suit. Such orders, if granted, place a class of litigants, who move the court in a separate and preferential category whereas other cases which may be of similar or greater antiquity and urgency are left to be decided in the normal channel. Hence, any such direction may be issued with the greatest care and circumspection by the High Court otherwise the Civil Courts will be overburdened only with requests for expeditious disposal of suits, which have been expedited by the High Court. Most of the litigants cannot afford the expense of moving the High court and would not, therefore, be in a position to have the benefit of such an order. Ultimately, it must be left to the judicious exercise of discretion of the concerned Court to determine whether a ground for urgency has been made out. We emphasize that there may be other cases such as involving senior citizens, those who are differently abled or people suffering from a particular disablilty socio-economic or otherwise which may prime cause of urgent disposal. It is for the*

learned Trial Judge in each case to apply his or her mind and decide whether the hearing of the suit to be expedited. For these reasons, we are not inclined to entertain the petition. The petition is, accordingly, dismissed. There shall be no order as to cost."

8. On a specific and pointed query made to the learned counsel for the petitioner that whether any application prioritising the hearing of the suit has been filed before learned trial court or not, the answer is in negative.

9. In view of the aforesaid, the petitioner is permitted to make an application for expediting the hearing of the suit proceedings before the learned trial court within a week. If such an application for expediting the hearing of suit proceedings is made within a week, the same shall be decided within next four weeks.

10. Keeping the urgency in the matter, learned trial court shall make earnest endeavour to decide the suit proceedings expeditiously without granting any unnecessary adjournment, as the suit itself is pending for almost 8 years.

11. The writ petition is disposed of in the aforesaid terms.

(Indrajeet Shukla,J.)

October 24, 2026
S.P.

Digitally signed by :-
SANJAY PURI
High Court of Judicature at Allahabad