HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 15135 of 2026

Abuzar

.....Petitioner(s)

Versus

Sharif And 13 Others

.....Respondent(s)

Counsel for Petitioner(s) : Jiya Fatima, Shamim Ahmad
Counsel for Respondent(s) :

Court No. - 9

HON'BLE INDRAJEET SHUKLA, J.

1. Heard Sri Shamim Ahmad, learned counsel for the petitioner.

2. Present petition under Article 227 of the Constitution of India has been filed by defendant-petitioner for expediting the suit proceedings pending before the Additional Civil Judge (Junior Division), Court No.2, Moradabad by virtue of Original Suit No. 243 of 2008 (Sharif and others Vs. Yunus) within a stipulated period.

3. The original suit was instituted by the plaintiffs-respondent, Sharif and Rifaq, way back in the year 2008 with the prayer seeking specific performance of contract. It has been informed that the written statement was filed almost four years back but till today, the issues could not be framed.

4. Be the case as it may, it is for the learned trial court to take a call for expediting the proceedings of pending suit.

5. Considering the urgency in individual cases, 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 hereasunder :-

"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;"

6. 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."

7. 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.

8. 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.

9. 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 18 years.

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

October 24, 2026
Pratima

(Indrajeet Shukla,J.)

Digitally signed by :-
PRATIMA AGRAHARI
High Court of Judicature at Allahabad