

THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 470 of 2006

Prem Nand Bijlwan aged about 68 years,
S/O Late Sri Mohan Lal Bijlwan,
R/O village Uddiwala, Kaulagarh, Dehradun.

... **Petitioner.**

Versus

1. Civil Judge, IInd, Junior Division, Dehradun,
2. Deepak Nautiyal, Viilage Kaulagarh, Neebuwala Road, P.S. Cantt, Dehradun, District Dehradun.
3. Dularelal, Village, Kaulagarh, Neebuwala Road, Police Station Cantt. Dehradun, District Dehradun.

... **Respondents.**

Sri D.S. Patni, learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent no. 1.

Dated April 28, 2006.

Hon'ble B.S. Verma, J.

Heard learned counsel for the petitioner.

By means of this writ petition the petitioner prays for issue of an order or direction directing the respondent no.1 to decide the Original Suit No. 231 of 2000, Sri Prem Nand Bijlwan Vs. Deepak Nautiyal and another, pending disposal in that court, expeditiously.

According to the petitioner, he filed Civil Suit No. 231 of 2000 for permanent injunction against the respondent nos. 2 and 3 in the Court of the Civil Judge (Junior Division) Dehradun-respondent no.1. The respondent no.2 has not filed any written statement so far and after filing the Vakalatnama has absented himself and frequent adjournments are being sought and for his default, he has been ordered to pay the cost while granting adjournment and with a view to frustrate the cause of action accrued to the petitioner, the respondent no.2 is adopting delay tactics so as to drag the proceedings of suit for long time.

The record shows that the said suit is pending in the court of the II Additional Civil Judge, Dehradun. Considering the facts and circumstances of the case and the material placed on record, particularly the fact that the suit is pending since the year 2000 between the parties, a direction for expeditious disposal need to be issued to the respondent no.1.

The II Additional Civil Judge (Junior Division Dehradun is directed to expedite decision of the Civil Suit No.231 of 2000, Prem Nand Bijlwan Vs. Deepak Nautiyal and others, pending disposal before him, preferably within a period of six months as far as possible. Both the parties to the suit shall co-operate in the expeditious disposal of the Original Suit No.231 of 2000.

With the above observation, the writ petition is disposed of finally.

(B.S. Verma, J.)