

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**JAIPUR BENCH AT JAIPUR**  
**ORDER**

Shankar Lal

Vs.

The Civil Judge (SD), Neem Ka Thana, District Sikar & Ors.

(S.B. Civil Writ Petition No.4539/2010)

Date of Order :-

April 30, 2010

**HON'BLE MR.JUSTICE R.S.CHAUHAN**

Mr.Rajneesh Gupta, for the petitioner.

A limited prayer has been made by the petitioner before this Court, namely that considering the fact that the petitioner happens to be a seventy-one years old man, who has been fighting a battle for eviction for the last six years, the trial court should be directed to expedite this case as early as possible.

The brief facts of the case are that the plaintiff-petitioner and the proforma-respondent No.1 are owner and landlord of the disputed shop which was let-out to the defendant respondent No.2 about 35-40 years back. The shop was rented @ Rs.400/- per month. By way of registered partition deed dated 04.09.1970, the said shop fell in the share of the plaintiff petitioner, Shankar Lal. On 20.09.2004, the plaintiff-petitioner filed a suit for eviction on the ground of personal bona fide necessity for his son, material alteration and for arrears of rent before the learned Civil Judge (J.D.), Neem-Ka-Thana, District

Sikar. The defendant-respondent submitted written statement. On 25.11.2004 the case was posted for 09.03.2005 for framing of the issues. On the next dated, the case was transferred to the learned Civil Judge (S.D.), Neem Ka Thana, District Sikar. On 24.02.2006, the learned trial court framed the issues and fixed the case for plaintiff's evidence. On account of filing of number of applications at the instance of defendant-respondent, the case was adjourned and ultimately on 07.04.2007, the plaintiff-petitioner submitted his affidavit and case was adjourned for cross-examination of the plaintiff. According to the plaintiff-petitioner, since 07.04.2007 till today, he has never been cross-examined at the instance of defendant-respondent. Instead by filing number of misc. applications, the case is being adjourned ad infinitum. The learned trial court has also imposed cost upon the defendant-respondent. Hence, this petition before this Court.

The learned counsel for the petitioner contends that repeatedly the defendant-respondent has been filing one application or the other, thereby delaying the entire trial. Although the trial court had imposed cost on the defendant-respondent, the cross-examination of the plaintiff-petitioner is yet to take place. Therefore, the trial is lingering on for the last six years. He has further contended that the right to speedy trial is as much available in civil case as in criminal case. Thus, the trial Court should be directed to expedite the case.

Heard the learned counsel for the petitioner.

Since a limited prayer is being made before this Court, and considering the fact that the plaintiff-petitioner is a senior citizen, who has been fighting a battle for eviction of the defendant-respondent, the trial court is directed to expedite the case as soon as possible and preferably to decide this case within a period of six months from the date of receipt of the certified copy of this order.

With these observations, the petition is, hereby, disposed of.

**(R.S.CHAUHAN)J.**

Manoj Solanki-