

WPMS No. 1011/2012

Hon'ble V.K. Bist, J.

Heard Mr. Arvind Vashishtha, Advocate for the petitioner and perused the record.

By way of instant petition, the petitioner is seeking direction to the Court of Civil Judge (Jr. Div.), Dehradun to expedite and conclude the proceedings of Original Suit No. 509 of 2006 Harish Agarwal vs. Satpal Agarwal and others, pending before him within a period of three months.

In the petition, it is asserted that plaintiff/petitioner instituted O.S. No. 509 of 2009 before the Court of Civil Judge (Jr. Div.), Dehradun for declaration of title in respect of the property in suit. Having served with the notice issued by the trial Court, the respondent filed written statement in the suit. The plaintiff/petitioner moved an application seeking amendment in the plaint, against which defendant no.1 filed objections and amendment application of the plaintiff/petitioner was allowed. The defendant no.1 preferred a Civil Revision No. 72 of 2011 before the District Judge, Dehradun and the same was dismissed vide order dated 27.03.2012 passed by Addl. District Judge/3rd F.T.C., Dehradun.

Learned counsel for the petitioner submits that the suit was filed in the year 2006 in which pleadings have been exchanged, but due to the dilatory tactics on the part of respondent no.1 issues have yet not been framed. He submitted that since the date of filing of the suit, as many as, 48 dates have been fixed in the suit but except the exchange of pleadings and allowing amendment application, no progress was made in the suit.

In such circumstances, the writ petition is disposed of with the direction to Civil Judge (Jr. Div.), Dehradun to expedite and conclude the proceedings of Original Suit No. 509 of 2006 Harish Agarwal vs. Satpal Agarwal and others, pending before him, expeditiously, preferably within a period of one year from the date of production of a certified copy of this order.

Interim relief application (CLMA No. 5142/2012) also stands disposed of.

(V.K. Bist, J.)

25.05.2012

NCM: