

Court No. - 10

Case :- MATTERS UNDER ARTICLE 227 No. - 940 of 2022

Petitioner :- Vishwanath

Respondent :- Hari Prasad And Another

Counsel for Petitioner :- Bhoodev Yadav, Pradeep Yadav

Hon'ble Rohit Ranjan Agarwal, J.

This writ petition has been filed with the following prayer:-

"(i) issue suitable direction to the Judge Small Causes Court, Allahabad to decide the Execution Case No. 15 of 2020 (Vishwanath vs Hari Prasad and another), pending before the Judge Small Causes Court, Allahabad, within the certain stipulated time as fixed by this Hon'ble Court."

From the perusal of the record, it transpires that the prayer has been made for early disposal of Execution Case No. 15 of 2020 (Vishwanath vs Hari Prasad and another) pending in the court of Judge Small Causes Court, Allahabad.

The Division Bench of this Court in case of ***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 disability 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."

In view of the Division Bench judgment of this Court in the case of **Ali Shad Usmani** (supra), this Court declines to grant the relief as prayed for.

The writ petitions is dismissed.

Order Date :- 25.2.2022

V.S.Singh