
(2012) 07 RAJ CK 0050
In the Rajasthan High Court
Case No : Civil Writ Petition No. 10590 of 2012

Anoop Singh

APPELLANT

Vs

Addl. District and Sessions Judge (Fast Track) No. 2, Jaipur
District, Jaipur and Others

RESPONDENT

Date of Decision : 24-07-2012

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2012) 3 WLN 514

Hon'ble Judges : Bela M. Trivedi, J

Bench : Single Bench

Advocate : Anita Aggarwal, for the Appellant;

Judgement

Bela M. Trivedi, J.—The present petition has been filed by the petitioner-original defendant No. 2 invoking extra ordinary jurisdiction of this Court under Art. 227 of the Constitution of India, challenging the order dt. 28.4.2012 passed by the Addl. District Judge, (Fast Track) No. 2, Jaipur District Jaipur, (hereinafter referred to as the trial Court), whereby the trial Court has rejected the application of the petitioner to hear the suit on day to day basis. It has been submitted by Learned Counsel Ms. Anita Aggarwal, for the petitioner that the petitioner is the subsequent purchaser of the suit land and an interim injunction is operating against him. She further submitted that the present respondent No. 2-original plaintiff keeps on giving applications one after the other just to prolong the proceedings of the suit, and that the proceedings of the suit are not being proceeded further for one reason or the other since the year 2007. Relying upon the copy of the order sheets produced along with the writ petition, she submitted that the application under Or. VI Rule 17 filed by the plaintiff has remained undecided since 2007. According to her, the petitioner is suffering great loss and hardship because of the pendency of the suit.

2. Having regard to the submissions made by Learned Counsel for the petitioner and to the impugned order, as well as to the order sheets, it appears that the

suit filed by the respondent No. 2-plaintiff, against the present petitioner and others, is pending since 2007 without any substantial progress. It clearly appears that for one reason or the other, the proceedings are adjourned by the Court, and even the application filed by the respondent No. 2 plaintiff under Order VI Rule 17 has remained undecided since April 2007. Though, it is true that there are number of factors responsible for the long pendency of such applications in the suit and as rightly observed by the trial Court, the Court can not restrain any party from submitting the applications, even though they are false, considering the nature of dispute involved in the suit and the fact that the applications have remained pending for years together without any decision, it would be in the interest of justice to direct the trial Court to proceed with the suit as expeditiously as possible. In that view of the matter, the trial Court is directed to proceed with the suit as expeditiously as possible. The petition stands disposed of accordingly.