
(2014) 04 AHC CK 0164
In the Allahabad High Court
Case No : Case No. - 2753 of 2012

Rajveer Singh

APPELLANT

Vs

National Insurance Company and Others

RESPONDENT

Date of Decision : 30-04-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 9 Rule 13
Constitution of India, 1950 — Article 227

Citation : (2014) 04 AHC CK 0164

Hon'ble Judges : Suneet Kumar, J

Bench : Single Bench

Advocate : Gyanendra Kumar Singh, Advocate for the Appellant; O.P. Mishra, S.C, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Suneet Kumar, J.—Heard learned counsel for the petitioner as well as Sri O.P. Mishra, learned counsel appearing for the insurance company.

2. The petitioner has approached this Court to expedite his application under Order IX Rule 13 pending before the Motor Accident Claim Tribunal, Allahabad.

3. The petitioner is vehicle owner and an ex parte award dated 02.09.2005 was passed in Claim Petition No. 179 of 2004, Phool Chandra Versus Rajveer Singh and others, and Claim Petition No. 228 of 2014, Ram Chandra and others Versus Rajveer Singh and others.

4. The Hon'ble Supreme Court in Shiv Cotex Vs. Tirgun Auto Plast P. Ltd. and Others, , has made the following observations:- ... It is high time that courts become sensitive to delays in justice delivery system and realize that adjournments do dent the efficacy of judicial process and if this menace is not controlled adequately, the litigant public may lose faith in the system sooner than later. The Courts, particularly Trial Courts, must ensure that on every date of hearing, effective progress takes place in the suit.

5. In view of the decision in the case of Km. Shobha Bose Vs. Judge Small Causes Court 2010(1) ADJ 531 (DB), it is not proper to issue any positive direction for time bound disposal of any proceedings without ascertaining the position of the workload in the court concern and in the absence of any allegation that the court below is responsible for the delay.

6. No ground has been made out by the learned counsel for the petitioner to invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

7. The writ petition is dismissed.

8. However, dismissal of this writ petition shall not preclude the petitioner in filing appropriate urgency application before the concerned court which shall consider the said application and pass appropriate orders within a period of three months from the date of receipt of certified copy of this order.