
(2003) 01 AHC CK 0178
In the Allahabad High Court
Case No : C.M.W.P. No. 658 of 2003

Smt. Roma Chaudhari

APPELLANT

Vs

Purushottam Purwar and Others

RESPONDENT

Date of Decision : 08-01-2003

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 21 Rule 100, Order 21 Rule 97, Order 21 Rule 98, 151

Citation : (2003) 1 AWC 842

Hon'ble Judges : S.P. Mehrotra, J

Bench : Single Bench

Advocate : Rakesh Kumar Shukla, for the Appellant;

Judgement

S.P. Mehrotra, J.—Learned Counsel for the Petitioner states that he does not want to press prayer No. (a) made in the writ petition. In view of this statement, learned Counsel for the Petitioner is permitted to delete prayer No. (a) made in the writ petition.

2. The present writ petition has been filed by the Petitioner, inter alia, praying for issuance of a writ, order or direction in the nature of mandamus commanding the Additional District Judge, Court No. 4, Jhansi (Respondent No. 2) to decide the Purushottam v. Smt. Roma Chaudhary decide the S. C. Revision No. 183 of 2001 within a short period as stipulated by this Court.

3. It appears that the Petitioner filed an execution application seeking to execute the decree dated 30.8.1997, passed in S.C.C. Suit No. 22 of 1998. The said execution application was numbered as Execution Case No. 16 of 2000.

4. From the allegations made in the writ petition, it further appears that in the said execution case, the Respondent No. 1 filed an application under Order XXI, Rules 97, 98 and 100 and Section 151 Code of Civil Procedure. By the order dated 7.9.2001 (Annexure-3 to the writ petition), the said application filed by the Respondent No. 1 was rejected.

5. It further appears from the allegations made in writ petition that the Respondent No. 1 thereafter filed a revision being S.C. Revision No. 183 of 2001, but the said revision is pending till date for its disposal.

6. It is, inter alia, alleged in paragraph 9 of the writ petition that in the said S.C. Revision No. 183 of 2001, an ex parte stay order was passed in favour of the Respondent No. 1.

7. It is, inter alia, further alleged in the writ petition that the Respondent No. 1 is seeking repeated adjournments in the said S.C. Revision No. 183 of 2001.

8. Learned Counsel for the Petitioner has referred to the application dated 23.10.2002 (Annexure-4 to the writ petition) and the application dated 7.12.2002 (Annexure-5 to the writ petition), whereby adjournments were sought by the Respondent No. 1 in the said S.C. Revision No. 183 of 2001.

9. Having considered the facts and circumstances of the case, and the submissions made by the learned Counsel for the Petitioner, I am of the opinion that it will be in the interest of justice to direct the learned Additional District Judge, Court No. 4, Jhansi (Respondent No. 2) to decide the said S.C. Revision No. 183 of 2001 expeditiously. The learned Additional District Judge, Court No. 4, Jhansi (Respondent No. 2) is accordingly directed to decide the said S.C. Revision No. 183 of 2001 expeditiously.

10. The writ petition is disposed of with the aforesaid direction.