

Gama Prasad vs Smt. Phoolari on 1 April, 2025

Author: Rohit Ranjan Agarwal

Bench: Rohit Ranjan Agarwal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44686

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 2456 of 2025

Petitioner :- Gama Prasad

Respondent :- Smt. Phoolari

Counsel for Petitioner :- Brajesh Kumar Singh

Hon'ble Rohit Ranjan Agarwal,J.

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

"(a) Issue an order or direction, to the concerned Court i.e. Additional Chief Judicial, Court No.17, Allahabad, to decide the O.S. No.1376 of 2023 (Gama Prasad Vs. Smt. Phoolari), expeditiously within a time bound period as fixed by this Hon'ble Court."

2. From the perusal of the record, it transpires that the petitioner has prayed for early disposal of Original Suit No. 1376 of 2023, pending before the court of Additional Chief Judicial Magistrate, Court No. 17, Allahabad.

3. The Division Bench of this Court in 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."

4. Recently, the Constitution Bench of Hon'ble Supreme Court in High Court Bar Association, Allahabad vs. State of Uttar Pradesh and others (2024) 6 SCC 267 has held that Constitution Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. The Court further held that issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending. Relevant para 47.3 of the said judgment is extracted hereasunder :-

"Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;"

5. In view of the Constitution Bench judgment of Apex Court as well as Division Bench judgment of this Court in High Court Bar Association, Allahabad (supra) and Ali Shad Usmani (supra), this Court declines to grant the relief as prayed for.

6. The writ petition is, accordingly, dismissed.

Order Date :- 1.4.2025 V.S.Singh