

# **Eagle Sheet Grah Private Limited And 2 ... vs M/S Jai Maa Vaishno Devi Ice And Cold And ... on 2 January, 2025**

**Author: Rohit Ranjan Agarwal**

**Bench: Rohit Ranjan Agarwal**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:633

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 16112 of 2024

Petitioner :- Eagle Sheet Grah Private Limited And 2 Others

Respondent :- M/S Jai Maa Vaishno Devi Ice And Cold And 14 Others

Counsel for Petitioner :- Santosh Kumar Shukla

Counsel for Respondent :- Anuj Pratap Singh,Krishna Mohan Asthana,Pratik J. Nagar

Hon'ble Rohit Ranjan Agarwal,J.

1. Heard learned counsel for the petitioners and Sri Pratik J. Nagar, learned counsel for respondents no.3 and 4.
2. This writ petition has been filed with the following prayer:-

"(i) Issue a direction commanding Ld. Trial Court/ Civil Judge (Sr. Div.), Firozabad to decide the Suit No. 250 of 2014 (M/S Jai Maa Vaishno Devi Ice And Cold Storage & Another Vs. Eagle Sheet Grah Private Limited & Others) pending before him expeditiously within stipulated period of time without proving any adjournments

either of the parties."

3. From the perusal of the record, it transpires that the petitioners have prayed for early disposal of Suit No.250 of 2014, pending before the Court of Civil Judge (Sr. Div.), Firozabad.

4. 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."

5. 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.

6. The writ petitions is dismissed.

Order Date :- 2.1.2025 SK Goswami