2026:AHC:212797

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 2342 of 2011

Mohd. Husain Athar Khan

.....Petitioner(s)

Versus

Civil Judge J.D. And Another

.....Respondent(s)

Counsel for Petitioner(s) : Ravindra Singh
Counsel for Respondent(s) :

Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

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

> *"a. Issue a writ, order or direction in the nature of Mandamus commanding the respondent No.1 to decide the OriginalSuti No.96 of 2005 (Mohd. Hussain Akhtar Khan Vs. Mahamandleshwar Brahmani Neemiyaji Mahraj Ram Janki Mandir) pending before him within stipulated period."*

2. 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 Constitutional 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***;"

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 disablilty 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. In view of above, this Court declines to direct the Court below for expediting the proceedings pending before it.

5. The petitioner may, however, move an application for expeditious disposal of the Original Suit No.96 of 2005 before the Court concerned, who will decide the same on the basis of pendency of cases before it and also keeping in mind the dictum of Hon'ble Apex Court as noted above.

6. With the aforesaid direction, the writ petition stands **disposed of.**

7. Registrar (Compliance) to communicate this order to the Court concerned within 48 hours.

(Rohit Ranjan Agarwal,J.)

October 9, 2026 // SK Goswami

Digitally signed by :-
SHIVAKANT GOSWAMI
High Court of Judicature at Allahabad