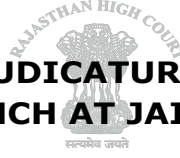




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 8176/2026

Prahlad Chand Gupta Son of Late Kanhaiya Lal Gupta, aged about 56 Years, Resident of Plot No.81, Scheme No.5, Mangal Vihar, Alwar and Mushi Bazar, Alwar (Raj.)

-----Petitioner

Versus

1. Dwarkanath Gupta Son of Late Kanhaiya Lal Gupta, aged about 50 Years, Resident of Satyam Apartment, Plot No.38, Keshopura, Scheme No.10, Near Ajmera Bhawan, (Near Choudhary Colony) Kamla Nehru Nagar, Ajmer Road, Jaipur (Raj.).
2. Asha Gupta @ Dhanvanti Gupta Daughter of Late Kanhaiya Lal Gupta, Wife of Ajay Gupta, aged about 51 Years, Resident of Ashiyana Residence First, Plot No.B-54, Near Amar Senior Secondary School, Acharya Vinoba Bhave Nagar, Amrapali Circle, Vaishali Nagar, Jaipur (Raj.).
3. State Bank of India, through Branch Manager, Branch Arya Nagar, Alwar (Raj.).
4. Sub-Registrar, First Alwar (Raj.)
5. Nagar Parisahd Alwar, Through Commissioner.

-----Respondents

For Petitioner(s) : Mr. Dhanna Ram

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

07/05/2026

1. The present writ petition has been filed by the petitioner seeking direction to the learned Additional District and Sessions Judge No.1, Alwar to expeditiously dispose of the Application No.45/2023.



2. Learned counsel for the petitioner submits that the final decree proceeding (Application No.45/2023) has been pending since 2023, the service upon the defendant is complete. He, therefore, prays that the disposal of the said proceeding may kindly be expedited, preferably within a period of six months.

3. Heard and considered the submissions made by learned counsel for the petitioner and perused the material available on record.

4. The Hon'ble Apex Court in the case of ***Sangram Sadashiv Suryavanshi vs. State of Maharashtra***¹ while relying upon the constitutional Bench judgment of the Hon'ble Supreme Court in ***High Court Bar Association, Allahabad vs. State of U.P.***², has deprecated the practice of Courts issuing directions to subordinate Courts to decide the matter within a timeline, the relevant extract of para 47.3 of ***High Court Bar Association, Allahabad*** (*Supra*) is reproduced as under:

"47.3. 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 that view of the matter, this Court is not inclined to accept the argument advanced by learned counsel for the petitioner to issue a direction to the learned Trial Court to decide the pending final decree proceeding (Application No.45/2023) expeditiously/ within a time frame.

6. However, the learned Trial Court is expected to regulate its own procedure in respect of the cases on board for effective

1 2024 SCC OnLine SC 3526

2 2024 INSC 150



disposal and to ensure that the cases are disposed of expeditiously as soon as possible; while considering the year of institution, age of the parties concerned as well as the nature of the pleadings of the case; at the same time, it is expected that the learned Trial Court will not entertain unnecessary and unwarranted requests for adjournment, while considering the fact that the final decree proceeding (Application No.45/2023) is pending since 2023, whereas in the suit for partition bearing No.51/2021, a preliminary decree has been passed on 14.09.2023.

7. With the aforesaid direction, the present civil writ petition is disposed of.

8. All pending application(s), if any, shall stand disposed of.

(MANEESH SHARMA),J