
(2025) 10 UH CK 0008

Uttarakhand HC

Case No: Writ Petition (M/S) No. 2787 Of 2025

Rajendra Sharma

APPELLANT

Vs

Rahul Sharma And
Another

RESPONDENT

Date of Decision: Oct. 8, 2025

Acts Referred:

- Constitution Of India, 1950 — Article 21, 227

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Devansh Kaushik

Final Decision: Dismissed

Judgement

Pankaj Purohit, J

1. This writ petition has been filed under Article 227 of the Constitution of India by the petitioner seeking issuance of writ of mandamus commanding the learned Civil Judge (J.D.), Roorkee, Haridwar to expedite the Original Case No.99 of 2015, *Rajendra Sharma Vs. Rahul Sharma and another*, within a period of three months or within such time which this Court deems fit.

2. Facts of the case in brief are that the petitioner and respondent are members of the same family but the respondent mischievously executed the sale deed in his favour dated 04.05.1996 which was registered as Bahi No.1 Zild No.2304/2383 in page no.135/313/318 in number 1375. The petitioner challenged the above mentioned sale deed by filing a civil suit in the court of learned Civil Judge (J.D.), Roorkee, Haridwar, in Original Case No.99 of 2015, *Rajendra Sharma Vs. Rahul Sharma and another*, with a prayer of cancellation of sale deed.

3. The learned counsel for the petitioner submits that the case is pending at evidence stage for ten years and is causing undue hardship to the petitioner and the delay is arbitrary and violative of right to speedy trial enshrined under Article 21 of the Constitution of India. He further submits that the petitioner is old and is a senior citizen of 74 years of age and the delay will cause irreparable loss and mental agony to the petitioner and will also deprive him of right to peacefully enjoy the property.

4. Having heard the submissions of the counsel for the petitioner, it transpires that the suit is at plaintiff evidence stage and thus it will not be appropriate to issue any directions for expedition. Moreover

Honâ€™ble Supreme Court in the case of *Sangram Sadashiv Suryavanshi Vs. State of Maharashtra* (Criminal Appeal No.4758 of 2024 decided on 25.11.2024 [2024 INSC 899]) has held that Constitutional courts may issue directions for the time-bound disposal of cases **only in exceptional circumstances**. The issue of prioritizing 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 aforesaid legal authority, this Court finds that the present case does not fall within the category of “exceptional circumstances”.

6. Accordingly, writ petition stands dismissed.

7. Pending application if any, stands disposed-off.