

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 5268 of 2022

Petitioner :- Bhagwan Shrikrishna Virajman And 3 Others

Respondent :- U.P. Sunni Central Waqf Board And 3 Others

Counsel for Petitioner :- Shashank Singh, Sr. Advocate

Counsel for Respondent :- Punit Kumar Gupta

Hon'ble Vipin Chandra Dixit, J.

Heard Dr. Adish C. Aggarwala, learned Senior Advocate assisted by Sri Abhinav Singh and Sri Shashank Singh, learned counsels for petitioners as well as Sri Punit Kumar Gupta, and Ms. Poorva Agarwal, learned counsel for U.P. Sunni Central Waqf Board-respondent no.1 and perused the record.

Present petition under Article 227 of the Constitution of India has been filed by the petitioners seeking a direction to the Civil Judge(Senior Division), Mathura to decide the application dated 14.4.2021 bearing No. 14-Ga under section 45 of the Evidence Act and the Provisions of Rule 10-A of Order XXVI of the Code of Civil Procedure for conducting Scientific Investigation of Shahi Eidgah and Jahanara's Masque" in Civil Suit No. 151 of 2021 (Bhagwan Shrikrishna Virajman and others vs. U.P. Sunni Central Waqf Board and others) within a stipulated time period.

It is submitted by learned counsel for the petitioners that the suit was filed by plaintiffs-petitioners for cancellation of judgment and decree dated 20.7.1973 and 7.11.1974 passed by Civil Judge, Mathura in Civil Suit No. 43 of 1967 as well as for removal of encroachment. The petitioners had also moved an application on 14.4.2021 for expert's opinion which is paper No. 14-Ga. It is further submitted that although respondents have been served but they have not filed any objection to the application dated 14.4.2021(Paper No. 14-Ga).

Sri Punit Kumar Gupta, learned counsel appearing for respondent no.1 has submitted that respondent no. 1 had also filed an application under Order 7 Rule 11 C.P.C. on 16.7.2022 which is also pending for consideration and he has no objection if both the applications are expedited and decided simultaneously.

Without going into merit of the case, it is appropriate that the above applications be decided expeditiously.

In view of above, Civil Judge(Senior Division), Mathura/Court concerned is directed to decide the application dated

14.4.2021(Paper No. 14-Ga) of the plaintiffs-petitioners and the application filed by respondent no.1 under Order 7 Rule 11 C.P.C. dated 16.7.2022 in Civil Suit No. 151 of 2021 (Bhagwan Shrikrishna Virajman and others vs. U.P. Sunni Central Waqf Board and others) expeditiously, if possible within three months from the date of production of certified copy of this order after affording opportunity of hearing to the parties concerned and without granting adjournment unnecessarily to either of the parties, unless there is any legal impediment.

With aforesaid direction, the instant petition under Article 227 of the Constitution of India is finally disposed of.

Order Date :- 18.7.2022

P.P.