

| sl. No | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGES'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|        |      |                                                                                                  | <p>WPMS No.2266 of 2023</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Mohd. Umar, Advocate for the petitioner.</p> <p>Mrs. Prabha Naithani, Advocate for caveator.</p> <p>Brief facts of the case are that the present petitioner is a plaintiff in a proceedings, which are being held under Section 176 of Uttar Pradesh Zamindari Abolition &amp; Land Reforms Act, 1950 (<i>for short U.P. ZA &amp; LR Act</i>), having been instituted before the court of Assistant Collector 1<sup>st</sup> Class, seeking a decree of partition of the holding as described at the foot of the plaint. When the suit was thus instituted, the court of Assistant Collector passed an order on 27.04.2022, whereby the court has directed, that the parties to the proceedings under Section 176 of U.P. ZA &amp; LR Act will not create any third party interest. But however, the said order passed on 27.04.2022 was later on vacated by the court of Assistant Collector on 17.05.2022, against the said order of Revision under Section 333 of U.P. ZA &amp; LR Act was preferred by the plaintiff/petitioner herein being Revision No.59 of 2023 Asgar vs. Akhtar Ali &amp; others.</p> <p>Though, this Court at this stage is not venturing into as to whether the revision under Section 333 of U.P.ZA &amp; LR Act, would at all be tenable against the order of 17.05.2022 or not!</p> <p>For the reason being that the parties to the writ petition have agreed that this writ petition could itself be disposed of directing the court of Assistant Collector to decide the proceedings of Section 176 of U.P. ZA &amp; LR Act, as expeditiously as possible and till the proceedings before the Assistant Collector is decided, the stay order as it was granted on 27.04.2022 may be permitted to continue to</p> |

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|  |  |  | <p>operate.</p> <p>In view of the consensus arrived at between the parties, this writ petition would stand disposed of directing the court of Assistant Collector 1<sup>st</sup> Class to decide the aforesaid Suit No.75 of 2021-2022 Asgar vs. Akhtar Ali and others, on its own merits within a period of six months from the date of production of certified copy of the order and till the proceedings are decided under Section 176 of U.P.ZA &amp; LR Act, the interim order as granted by the court of Assistant Collector on 27.04.2022 would continue to operate.</p> <p>As a consequence of this order, the effect would be that Revision No.59 of 2023, Asgar Ali vs. Akhtar Ali &amp; others, which was preferred by the petitioner, as against the vacation of the stay order dated 27.04.2022, would automatically lead to its closure, because the said revision was preferred as against an interlocutory order dated 17.05.2022 of vacating the interim order dated 27.04.2022 in a Regular suit under Section 176 of the U.P. ZA &amp; LR Act.</p> <p>Thus, this writ petition is closed directing the court of Assistant Collector I<sup>st</sup> class to decide the aforesaid suit within a period of six months, as directed above, and till the suit is decided, the interim order as granted by it dated 27.04.2022 would continue to operate and as a consequence thereto no adjudication of the revision under Section 333 of U.P. ZA &amp; LR Act, preferred by the petitioner being Revision No.59 of 2022-2023 Asgar vs. Akhtar Ali &amp; others, is at all required to be decided on its own merits, that would automatically be laid to rest.</p> <p>Hence, it would automatically lead to closure of the proceedings of Revision No.59 of 2023.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.)<br/>14.08.2023</p> <p>Arti</p> |
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