

Court No. - 48

Case :- WRIT - B No. - 1504 of 1982

Petitioner :- Smt.Shobha Devi

Respondent :- Settlement Of U.P.C.

Counsel for Petitioner :- Abhishek Goswami,Dinesh Pathak,Rakesh Pathak,S.P. Bharti

Counsel for Respondent :- S.L.Yadav,Atul Kumar,S P Goswami,S.C.,S.K. Mishra,S.L.Pathak,Santosh Kumar Mishra,Shashi Prakash Misra

Hon'ble Saurabh Shyam Shamshery,J.

Civil Misc. Delay Condonation Application No.271496 of 2017

Heard.

Cause shown is sufficient.

Application is allowed.

Delay in filing the substitution application is condoned subject to cost of Rs.500/- to be deposited in the office of High Court Bar Association Allahabad, receipt of which shall be placed on record.

Civil Misc. Substitution Application No.271497 of 2017.

Heard.

Allowed.

Substitution be carried out during the course of the day.

Civil Misc. Delay Condonation Application No.11 of 2022

Heard.

Cause shown is sufficient.

Application is allowed.

Delay in filing the substitution application is condoned subject to cost of Rs.500/- to be deposited in the office of High Court Bar Association Allahabad, receipt of which shall be placed on record.

Civil Misc. Substitution Application No.12 of 2022.

Heard.

Allowed.

Substitution be carried out during the course of the day.

Civil Misc. Abatement Application No.13 of 2023.

Since the Substitution Application No.12 of 2022 has been allowed, therefore, this abatement application stands rejected.

Order on Memo of Writ Petition.

1. Heard Sri Tripathi B.G.Bhai, learned counsel for the petitioner and Sri S.K.Mishra, learned counsel for the respondents.
2. In the present case, this Court has passed following order on 21.1.1982:

"I have gone through the matter. Such amaldaramad of furgy appellate order is alleged and file is not produced and hence does not arise the question of restoration. It should be treated as complaint unless opposite party produces any such appeal order or file."
3. Learned counsel for the petitioner submits that orders passed in consolidation proceedings in respect of land in dispute has already been subject matter of consideration in Writ Petition No.11162 of 1980, which is still pending, therefore, there was no need to pass above referred order.
4. Learned counsel appearing on behalf of respondent nos.3 and 4 also supported the above submissions.
5. In view of the above, impugned order dated 21.1.1982 is set-aside.
6. With the aforesaid direction/observation, this writ petition is disposed of.
7. Copy of this order be placed in the records of Writ Petition No.11162 of 1980.
8. Let Writ Petition No.11162 of 1980 be listed in February, 2024.

Order Date :- 14.12.2023

SB