

Court No. - 4

Case :- S.C.C. REVISION No. - 29 of 2021

Revisionist :- Ashok Kumar Mangal

Opposite Party :- Lala Raghunath Prasad Bansal Charitable Trust Society And Another

Counsel for Revisionist :- Sudhanshu Kumar, Swapnil Kumar

Counsel for Opposite Party :- Alank K. Jain , Akank Kumar Jain, Alank.K.Jain, Amit Kumar Mishra

Hon'ble Prakash Padia, J.

1. Heard Sri Swapnil Kumar, learned counsel for the revisionist-tenant, Sri Alank Kumar Jain along with Sri Amit Mishra, learned counsel appearing on behalf of opposite party-landlord.

2. The present revision has been filed by the revisionist with the prayer to quash the order dated 02.4.2021 passed by Additional District Judge, Court No. 26/JSCC, Agra in SCC Suit No. 05/2019 (Lala Raghunath Prasad Bansal Charitable Trust Society and another vs. Ashok Kumar Mangal). A further prayer has also been made to allow the application No.30C dated 19.03.2021 in which a prayer has been made to recall the order dated 10.3.2021 by which a direction was given by the court below to proceed with the matter in an *ex parte* manner.

3. Today when the matter is taken-up, it is very fairly argued by Sri Alank Kumar Jain, learned counsel for the opposite party-landlord that due to interim protection granted by this Court, the proceedings in the matter before the court below were kept in abeyance. It is further argued that in case the written statements made on behalf of the revisionist-tenant be taken into consideration, the opposite party-landlord has no objection but a direction be given by this Court to the court below to decide the matter which is pending since 2019, expeditiously.

4. In this view of the matter, a prayer has been made that the application filed by the tenant-defendant-revisionist being Application No. 30-C be allowed and the order dated 10.3.2021 be set-aside and further direction may also be issued to the court below to decide the entire matter expeditiously.

5. In view of the above, since it is argued by counsel for the

opposite party themselves that they do not want to contest the matter further and want that the written statements filed by the revisionist- tenant be taken into consideration, the present revision is allowed. The orders dated 2.4.2021 and 10.3.2021 passed by the court below are hereby quashed.

6. Counsel for the revisionist- tenant is permitted to file his written statements in the court below within a period of two weeks from today, if the same is not already filed.

7. The court below is directed to consider the written submissions and proceed further to decide the entire case expeditiously and preferably within a period of six months from the date of presentation of certified copy of this order, without granting any unnecessary adjournments to either of the parties, if there is no other legal impediment.

8. It is made clear that while passing the order, the court below will not be influenced by any of the findings recorded by this Court.

Order Date :- 12.10.2023

S.K.