

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 4895 of 2023

Petitioner :- Bharat Bhushan Gera And Another

Respondent :- Vikas Sood

Counsel for Petitioner :- Rajan Tripathi

Counsel for Respondent :- Manish Tandon, Manish Tandon

Hon'ble Prakash Padia, J.

Heard learned counsel for the parties.

Present writ petition has been filed inter-alia with a prayer to quash/set aside the impugned order dated 23.01.2023 passed by Additional District Judge, Court No.10, Kanpur Nagar in SC Case No. 35 of 2022 (Bharat Bhushan Gera Vs. Vikas Sood) whereby the application-22Ga under Order-7 Rule-11(D) and under Section 151 C.P.C. filed by the tenant/respondents has been disposed off.

It is admitted by the learned counsel for the parties that order dated 23.01.2023 passed by the Additional District Judge, Court No.10, Kanpur Nagar is against the law laid down in the case of ***Amit Gupta Vs. Gulab Chandra reported in 2023 Law Suit (All) 813.***

In view of the fact, the order dated 23.01.2023 is hereby ***set aside.*** The court below before whom SC Case No. 35 of 2022 (Bharat Bhushan Gera Vs. Vikas Sood) is pending, is directed to go with the matter.

With the above observations, the writ petition is ***allowed.***

Order Date :- 22.11.2023

T.S.