

Court No. - 6

Case :- WRIT - C No. - 23141 of 2023

Petitioner :- Rajesh Kumar Gupta And Another

Respondent :- Sub Registrar Tehsil Sadar And Another

Counsel for Petitioner :- Mukul Yadav, Rajesh Yadav

Counsel for Respondent :- C.S.C., Udai Chandani

Hon'ble Mrs. Manju Rani Chauhan, J.

The writ petition has been filed by the petitioner with a prayer to direct the Sub Registrar, Sadar, Moradabad to register the sale certificate of immovable property dated 04.01.2023 of House No. C 6-7, Near RSD Academy, Madhur Green Villa, Prampara Colony, Ram Ganga Vihar, Phase-I, Moradabad.

Counsel on behalf of the Borrower namely Sunil Arora raises a preliminary objection regarding maintainability of the writ petition as the same has been filed without impleading them as party.

On 25.07.2023 at the request made by counsel for the borrower following order has been passed:-

"Learned counsel on behalf of borrower will file short counter affidavit in the registry by tomorrow.

Heard learned counsel for the petitioners, learned Standing Counsel for the State-respondent and learned counsel on behalf of borrower namely Sunil Arora.

Learned Counsel on behalf of borrower raises an objection regarding the property in question which is being heard before the DRT and Hon'ble Apex Court has also taken cognizance of the matter and passed orders in favour of the borrower i.e. Sunil Arora.

Learned counsel for the petitioner disputed the aforesaid fact that dispute is with respect to some other property.

Put up this matter as fresh on 2nd August, 2023 to enable the learned counsel for the petitioner to verify the aforesaid fact as argued by learned counsel on behalf of borrower.

In the meantime, learned counsel on behalf of petitioner may file rejoinder affidavit, if any."

Thereafter, the case was adjourned on several dates wherein time

was granted to counsel for the petitioner to file rejoinder affidavit to the counter affidavit filed by the borrower but till date no rejoinder affidavit has been filed.

In the short counter affidavit filed by the borrower an order passed in Writ-C No. 19144 of 2022 has been placed before this Court whereas without placing the aforesaid order, the present petition has been filed by the petitioner which means concealment thus petition cannot be entertained.

However, learned counsel for the petitioner has made a statement at the Bar that the present petition may be dismissed as not pressed.

Accordingly, the present petition is **dismissed** as not pressed.

Order Date :- 18.10.2023

Arti