

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7138 of 2023

Petitioner :- Gopal Krishna Singh

Respondent :- Ramiqbal

Counsel for Petitioner :- Pradeep Kumar, Chandresh Kumar Chaurasiya

Hon'ble Jayant Banerji, J.

Sri Pradeep Kumar, learned counsel for the petitioner states that he does not wish to press this petition.

This case is filed for a direction to the Civil Judge (J.D.) Court No. 10, Deoria to decide Misc. Case No. 76 of 2022 under Order 21 Rule 106 CPC for recalling the order dated 17.8.2013 whereby Execution Case No. 2 of 1999 was dismissed.

This petition is listed today pursuant to the previous order dated 12.10.2023, passed by this Court which is as follows:

"The contention of the learned counsel for the petitioner is that the execution proceedings were dismissed in default by an order dated 17.8.2023 by the executing court and thereafter, an application dated 24.2.2022 was filed by him under the provisions of Order 21 Rule 106 of the CPC.

Order 21 Rule 106 of the CPC has its own period of limitation prescribed and the provisions of Limitation Act do not apply. On the issue of maintainability of the application itself, learned counsel for the petitioner seeks adjournment to enable him to address the Court.

As prayed, the case is passed over."

However, since, learned counsel is not wishing to press this petition, the petition is **dismissed** as not pressed.

Registrar (Compliance) is required to send a copy of this order to the court concerned within fifteen days.

Order Date :- 31.10.2023

sfa/

(Jayant Banerji, J)