

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7146 of 2023

Petitioner :- Ravi Pratap Mali

Respondent :- Sriram Pandey And Another

Counsel for Petitioner :- Hausihla Prasad Mishra

Hon'ble Jayant Banerji, J.

Heard learned counsel for the petitioner.

This petition has been filed seeking the following relief:

"i) Issue an order or direction directing the Civil Judge (Jr. Div), Court No. 13, Deoria to decide the application 25-ga filed by the defendant/petitioner under Order 1 Rule 10 C.P.C. in Suit No. 2012 of 2009 (Sriram Pandey Vs. Ramesh Pandey) within stipulated period."

It is stated by the learned counsel for the petitioner that O.S. No. 2012 of 2009 (Sriram Pandey Vs. Ramesh Pandey) was instituted for declaring a sale deed dated 13.2.1985 as void. It is stated that the defendant-respondent no.2 had executed two sale deeds dated 17.7.2020 and 22.7.2020 in favour of the petitioner during the pendency of the aforesaid suit with regard to plots that are subject matter of will that is challenged in the aforesaid suit.

Learned counsel for the petitioner states that an application 25C has been filed by the petitioner seeking his impleadment as he is a necessary party in the aforesaid suit inasmuch as he is purchaser of the property that is subject matter of the will, and that the beneficiary of the will, namely, Ramesh Pandey, who is defendant in the suit is no longer interested in the suit. It is contended that under the circumstances, it would be in the interest of justice that the application 25C be decided.

In view of the aforesaid submissions made by the learned counsel for the petitioner, this petition is **disposed of** with a direction to the court concerned to endeavour to decide the aforesaid application 25C filed in O.S. No. 2012 of 2009 by the petitioner expeditiously and without granting any unnecessary adjournment to either of the parties provided there is no legal impediment.

Order Date :- 31.10.2023

sfa/

(Jayant Banerji, J)