

Court No. - 33

Case :- WRIT - A No. - 12393 of 2023

Petitioner :- Adarsh Sahu

Respondent :- Authorized Officer, Life Insurance Corporation of India and another

Counsel for Petitioner :- In Person

Counsel for Respondent :- Mohan Srivastava

Hon'ble J.J. Munir,J.

This is a matter where the petitioner appears in person. He did not appear on 12.09.2023, when the case was called on, and again on 27.09.2023, compelling this Court to issue notice to him to appear through the Chief Judicial Magistrate, Jhansi. Despite service by the Chief Judicial Magistrate, Jhansi the petitioner did not appear on 17.10.2023, which was an adjourned date, the earlier date fixed being 12.10.2023, when the matter could not be taken up.

Ex abundanti cautela, this Court, considering that the petitioner is appearing in person, passed an order dated 06.11.2023, which reads :

In this matter, the petitioner appears in person. Notice was issued to appear in person vide order dated 27.09.2023 in compliance of which a report has been submitted by the Chief Judicial Magistrate, Jhansi that notice has been served through the office report dated 11.10.2023.

The matter was fixed for 12.10.2023. But, the same could not be taken up and was adjourned to 17.10.2023. It was taken up on 17.10.2023, but the petitioner did not appear.

Today when the case is called on, again the petitioner is not present.

Let this matter be adjourned to **20.11.2023** as fresh.

Let information of this order be communicated to the petitioner through the Chief Judicial Magistrate, Jhansi by the Registrar (Compliance) **within 24 hours**.

In compliance with the said order, a report has been received by the Chief Judicial Magistrate, Jhansi dated 20.11.2023, the material part whereof reads :

" उपरोक्त के अनुपालन में सम्बन्धित थाना कोतवाली, जिला झाँसी से इस आशय की आख्या प्राप्त हुई है कि विपक्षी / आवेदक आदर्श साहू तनय स्व. राजाराम साहू नि. 47 सागर गेट, झाँसी, जिला झाँसी, को नोटिस बजात खास तामील कराया गया।

अतः अनुपालन आख्या मय सम्बन्धित थाना कोतवाली, जिला झाँसी से प्राप्त आख्या की छायाप्रति

माननीय महोदय के समक्ष सादर प्रेषित है। कृपया इसे अभिलेख पर लेने की कृपा करें। "

There is, thus, no doubt that the petitioner has been served.

On 06.11.2023, as the order would show, this Court adjourned the matter to 20.11.2023 in order to give some allowance to the petitioner and one more opportunity to appear. On 20.11.2023, again, the petitioner did not appear, and this Court passed the following order :

The petitioner has not appeared, though there is a report of the Chief Judicial Magistrate, Jhansi that he has been served personally.

Lay as fresh on **22.11.2023** in order of afford the petitioner one more opportunity to appear before the Court.

Today, when the case is called on, the petitioner is not present.

Mr. Mohan Srivastava, Advocate, appears on behalf of respondent No. 1.

It is apparent that the petitioner does not want to prosecute this petition. It is, accordingly, **dismissed for non-prosecution.**

The Registrar (Compliance) is directed to communicate this order to the petitioner through the learned Civil Judge (Senior Division) Jhansi at his address.

Order Date :- 22.11.2023

I. Batabyal