

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 8792 of 2023

Petitioner :- Santosh

Respondent :- Subhash And 6 Others

Counsel for Petitioner :- Dharmendra Kumar

Hon'ble Jayant Banerji, J.

Heard learned counsel for the petitioner.

This petition has been filed seeking the following relief:

"i. Issue a direction to the II- Additional Civil Judge (Junior Division), Kasya, Kushinagar to decide the Original Suit No. 657 of 2019 (Santosh Vs. Subhash and others), in the interest of justice."

It appears that a suit was filed by the petitioner seeking partition of the suit property. The contention of the learned counsel for the petitioner is that the suit property is abadi.

I have perused the certified copy of the order-sheet and I find that the issues have been framed on 3.8.2022. Issue no. 2 which dealt with valuation of the suit and the court fee payable thereon has already been decided. As per the order dated 15.3.2023, the case was listed for disposal of the application 28C. I find that the court is duly proceeding with the case and therefore, no specific direction as sought for is required to be passed in the present case.

This petition is, accordingly, **dismissed**.

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

Order Date :- 26.10.2023

A. V. Singh

(Jayant Banerji, J.)