

**Court No. - 1**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 9057 of 2023

**Petitioner :-** Akhilesh Dubey

**Respondent :-** Aranya Pratap Singh

**Counsel for Petitioner :-** Pawan Kumar Rao

**Hon'ble Jayant Banerji, J.**

1. Heard learned counsel for the petitioner.

2. It appears that the petitioner and one, Amit Kumar Singh filed a Small Cause Suit No. 17 of 2020 in the court of the District Judge/Small Causes Court, Gorakhpur seeking relief of eviction of defendant from the disputed shops no. 272, 273 situated at Baldev Plaza, Goal Ghar, Tehsil Sadar, District Gorakhpur and for arrears of rent of Rs. 6,31,932/- till the date of obtaining possession as well as for damages.

3. It is the contention of the learned counsel that initially due to the absence of the defendant, the suit had proceeded ex-parte but thereafter, an application 32C was filed by the defendant which was allowed by an order dated 27.10.2021 on payment of cost of Rs. 500/-. It is stated that thereafter the defendant is not appearing in the matter and even written statement has not been filed. It is further stated that the defendant on one hand is not filing his written statement, on the other hand, is repeatedly filing frivolous and meaningless applications only to evade his solemn duty to file a written statement before the court and get the matter decided. It is further stated that on 26.5.2023, the court has directed the suit to proceed ex-parte.

4. Since, the court has already made a direction to proceed ex-parte, no specific direction as sought for is required to be issued. This Court has no reason to doubt that the matter will be taken to its logical conclusion expeditiously without granting unnecessary adjournments on the dates fixed (subject to availability of time with the court) provided there is no legal impediment.

5. This petition is, accordingly, **disposed of**.

**Order Date :-** 21.11.2023

A. V. Singh

(Jayant Banerji, J.)