

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9240 of 2023

Petitioner :- Sri Thakur Ji Laxmi Narayan Mandir

Respondent :- Collector, Kanpur Nagar And 4 Others

Counsel for Petitioner :- Rajan Tripathi

Counsel for Respondent :- C.S.C., Hari Narayan Singh

Hon'ble Jayant Banerji, J.

It appears that the plaintiff's suit was decreed *ex-parte* whereafter an application under Order IX Rule 13 CPC was filed by the defendants after a period of four years seeking setting aside of the *ex-parte* decree. By the impugned order dated 04.08.2023 passed in Misc. Case No.76/74/2016 (Chhatrapal vs. Thakur Ji Laxmi Narayan & Ors.), the Civil Judge (Senior Division), Kanpur Dehat has allowed the application.

Learned counsel for the petitioner states that without taking into account the delay in filing the application under Order IX Rule 13 CPC, the impugned order has been passed.

A preliminary objection has been raised by the learned Standing Counsel that the order impugned would be revisable.

When confronted, Shri Rajan Tripathi, learned counsel for the petitioner seeks leave of the Court to withdraw this petition as the petitioner would pursue an alternative remedy that is available to him in accordance with law.

This petition is, accordingly, **dismissed** as withdrawn.

Order Date :- 18.10.2023

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(Jayant Banerji, J.)