

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9260 of 2023

Petitioner :- Subash Chandra

Respondent :- Jai Ram And 4 Others

Counsel for Petitioner :- Madan Ji Pandey,Dharmendra Nath Mishra

Hon'ble Jayant Banerji,J.

1. Heard learned counsel for the petitioner.

2. This petition has been filed seeking the following relief:-

"i. Issue an order or direction upon the learned court below to decide the Restoration/Recall Application bearing Case No.562 of 2022 (Subash Chandra & another Vs. Jai Ram & others) pending in the Court of the learned Civil Judge (Jr. Div.)-II, Ballia arising out of Original Suit No.369 of 2013 (Subash Chandra & another Vs. Jai Ram & others) within some specific period as may be fixed by this Hon'ble Court."

3. The contention of the learned counsel for the petitioner is that a suit for injunction was filed by the plaintiff-petitioner which was dismissed for non-prosecution by an order dated 12.10.2022. Thereafter, it is stated that an application paper no.4-C was filed on 09.11.2022 under Order IX Rule 9 CPC which was numbered as Misc. Case No.562 of 2022, and is stated to be pending.

4. Considering the facts and circumstances of the present case and without entering into the merits of the matter, the trial court is required to proceed with the consideration of the aforesaid Case No.562 of 2022 under Order IX Rule 9 CPC filed by the petitioner, expeditiously and without granting any unnecessary adjournments to either of the parties.

6. The petition is, accordingly, **disposed of**.

Order Date :- 18.10.2023

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(Jayant Banerji, J.)