

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9295 of 2023

Petitioner :- Jai Prakash Jaiswal

Respondent :- Murti Devi (Died) And 8 Others

Counsel for Petitioner :- Brij Raj

Hon'ble Jayant Banerji, J.

1. A supplementary affidavit filed today is taken on record.

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

"(I) to issue a direction for expeditiously decide to Misc. Case No. 140 of 1992 (Murta Devi and others Vs. Smt. Shail Devi and another) (4C) dated 30.05.1992 [Annexure no.-1], in Original Case No. 611 of 1989 (Smt. Shail Devi and others Vs. Smt Murta Devi and another), pending in the court of Civil Judge (Senior Division), Court No. 1 Varanasi, in accordance with law, as expeditiously as possible and preferably within very short period."

3. A perusal of the record reveals that a Misc. Case No. 140 of 1992 was instituted under Order 9 Rule 13 read with Order 23 Rule 3 and Section 151 of the CPC for setting aside the judgment and decree dated 30.4.1990 and the compromise dated 30.4.1990. The application was filed by the respondent nos. 1 to 4. It appears that in the aforesaid application, an application was filed by respondent no. 5 as well as the petitioner under Order 22 Rule 10 read with Rule 1 Rule 10 and Section 151 CPC seeking to be impleaded in the Misc. Case as applicant no. 5 and 6. This application appears to have been filed in November, 2017 and appears to be numbered as 81C. It is stated that this application 81C was allowed. However, on record there is no certified copy of the order that would enable the Court to verify the orders passed by the court on the application 81C.

4. As such, no specific direction as sought for in the instant case can be granted by this Court for want of proper record. This case, therefore, calls for no interference and it is, accordingly, **dismissed**.

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

Order Date :- 18.10.2023

A. V. Singh

(Jayant Banerji, J.)