

Court No. - 47

Case :- WRIT - C No. - 33672 of 2023

Petitioner :- Veerpal

Respondent :- Additional Commissioner (Judicial) Agra Division
And 8 Others

Counsel for Petitioner :- Chandra Bhushan Singh, Punita Singh

Counsel for Respondent :- C.S.C., Avinash Chandra Srivastava

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The writ petition has been filed for the following relief:

"i) to issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 15.05.2023 passed by the respondent no. 1 in case no. 609 of 2023 computerized case no. C20231000000609 Ramdutt and another Vs. Rajendra and others u/s 27 of the Uttar Pradesh Revenue Code, 2006 to the extent refusing to grant interim order during the pendency of the aforesaid appeal;"

3. Contention of learned counsel for the petitioner is that against judgment and decree passed in proceedings under Section 116 U.P. Revenue Code, 2006, the petitioner has preferred an appeal before the respondent No. 1, the appeal of the petitioner has been admitted but the stay application filed by the petitioner has been rejected on the ground that petitioner could not produce any material in support of this case. Learned counsel appearing for the petitioner relied upon the judgment of the Apex Court in case of **Mool Chand Yadav Vs. Raza Buland Sugar Company Limited, reported in 1982, Volume (3) SCC 484** and the judgment in case of **Ali Sher Vs. State of U.P. Through Collector reported in 2007 Volume 102 RD 498**, wherein the Apex Court as well as this Court has taken the view once the appeal or revision is admitted, then the appellate/ revisional court shall normally grant interim order as the orders impugned are of civil consequences.

4. In view of the same, I am of the view that no useful purpose would be served in keeping this petition pending.

5. Therefore, the present petition stands **disposed of** finally with a

direction to respondent No. 1- Additional Commissioner (Judicial) Agra Division, Agra, to decide the appeal filed by the petitioner expeditiously preferably within a period of four months from from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided there is no other legal impediment.

6. Till the disposal of appeal, parties are directed to maintain status quo.

Order Date :- 3.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)