

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9609 of 2023

Petitioner :- Santram

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Hanuman Deen Verma, Santosh Kumar Verma

Counsel for Respondent :- C.S.C.

Hon'ble Jayant Banerji, J.

1. Heard Shri Santosh Kumar Verma, learned counsel for the petitioner.

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

"I) Issue, a suitable order or direction to direct the Civil Judge (Senior Division) Basti to decide the Stay Application (6C) of Case No.213 of 2023, Santram Vs. State of U.P. and others, pending before him within time to be stipulated by this Hon'ble Court, keeping in view the facts and circumstances of the case."

3. The petitioner has filed a suit bearing Original Suit No.213 of 2023 seeking a decree of eviction of the defendants from his bhumidhari land as well as for injunction. It is stated that an application under Order XXXIX Rules 1 and 2 CPC, bearing paper no.6C-2, has been filed.

4. However, learned counsel for the petitioner has not been able to point out any averment made in the plaint with regard to compliance of Section 80 CPC. It is, however, stated by him that the application 6-C2 is pending despite notices having been directed to be issued to the defendants by the order dated 27.07.2023.

5. In the facts and circumstances, in case the defendants are duly served and due notice under Section 80 CPC has been given, and after ensuring compliance of sub-section (2) of

Section 80 CPC, the trial court is expected to proceed to decide the application 6C-2 without granting any unnecessary adjournments to either of the parties, provided there is no legal impediment.

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

Order Date :- 16.12.2023

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(Jayant Banerji, J.)