

Court No. - 51

Case :- WRIT - C No. - 33507 of 2023

Petitioner :- Vidyawati

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ram Lalit Chaudhary, Vijay Kumar Singh

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Ram Lalit Chaudhary, learned counsel for the petitioner, Mr. S.P. Singh, learned Additional Chief Standing Counsel for the State-respondents and Mr. Pankaj Kumar Gupta, learned counsel for the respondent- Gram Panchayat.

2. The instant writ petition has been filed for mandamus directing respondent no.2 to decide the restoration application dated 18.10.2021 filed against the order dated 21.9.2021 dismissing the suit for partition for non-prosecution, which has been registered as Case No.10871 of 2021, Computerized Case No.T202117140110871 (Vidyawati Devi vs. Smt. Pramila Devi, under Section 209 (h) of U.P. Revenue Code, 2006.

3. Learned counsel for the petitioner submitted that against the dismissal of the suit for non-prosecution, restoration application has been filed within limitation, which is pending before respondent no.2.

4. Considering the entire facts and circumstances, respondent no.2 i.e. Up-Zila Adhikari, Harraiya, District-Basti is directed to decide the pending restoration application dated 18.10.2021 in the aforementioned case in accordance with law after affording opportunity of hearing to both parties, expeditiously preferably within a period of six weeks from the date of production of certified copy of this order before him.

5. With the above observations, the writ petition is finally disposed of.

Order Date :- 16.10.2023

Rameez