

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10367 of 2023

Petitioner :- Radheshyam Gupta

Respondent :- Shivbhajan Gupta

Counsel for Petitioner :- Ishir Sripat, Hardik Kishore

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner.

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

"It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to direct the Court of Additional Civil Judge (Senior Division), Court No. 3, Varanasi to hear and decide Civil Misc. Application No. 9 of 2017 within a stipulated reasonable period in accordance with law.

Any other or further order or direction as is deemed fit and proper by this Hon'ble Court under the facts and circumstances of this case."

3. It appears that the petitioner filed a suit bearing Original Suit No. 1486 of 2012 (Radheshyam Gupta Vs. Shivbhajan Gupta), in the court of Civil Judge (Senior Division), Varanasi. It is stated that the aforesaid petition was dismissed for non-prosecution on 3.7.2017. Whereafter, an application for restoration was filed on 15.7.2017, this case was registered as Miscellaneous Case No. 9 of 2017, which is stated to be pending in the court of the Additional Civil Judge (Senior Division), Court No. 3, Varanasi.

4. Without entering into the merits of the case, it is left open for the petitioner to move an appropriate application before the court concerned for expediting consideration of the Civil Misc. Application No. 9 of 2017, within reasonable time. If such an application is filed, the court concerned will duly consider the same.

5. This petition is, accordingly, **disposed of**.

Order Date :- 15.12.2023

K.K.Tiwari

(Jayant Banerji, J.)