

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10612 of 2023

Petitioner :- Chanda Bibi

Respondent :- Abdul Salam

Counsel for Petitioner :- Diwan Saifullah Khan, Gufran Ahmad

Counsel for Respondent :- Yougesh War Pandey

Hon'ble Prakash Padia, J.

1. Mr. Yanendra Pandey, Advocate, filed vakalatnama on behalf of respondent, same is taken on record.
2. List revised. Nobody is present on behalf of petitioner.
3. The petition has been filed inter-alia with the prayer to set aside the order dated 28.08.2023 passed by Additional District Judge, Court No.2/Special Judge, Gangster Act, Prayagraj in Civil Revision No.182 of 2023 by means of which stay application being Paper No.9-C/10-C for the stay of execution proceeding during the pendency of the Civil Revision No.182 of 2023 has been rejected. Further prayer is made to direct the Small Cause Court, Allahabad not to proceed with Execution Case No.28 of 2015 during the pendency of the Civil Revision No.182 of 2023.
4. Mr. Yanendra Pandey, counsel for the respondent placed before this Court the report dated 12.10.2023 submitted by the Ameen in the court of Judge, Small Cause Court, Allahabad in Execution Case No.28 of 20215.
5. The original copy of the report submitted by the Ameen along-with the proceedings of possession being Paper No.26-C-2 placed before the Court, same is taken on record.
6. It is stated in the aforesaid report that the possession of the premises in question has already been handed over to the landlord.
7. In this view of the matter, prima facie, Court is of the opinion that the present petition has become infructuous.
8. Since nobody is present on behalf of petitioner, the petition is dismissed for want of prosecution.

Order Date :- 16.10.2023

Pramod Tripathi