

Court No. - 48

Case :- CIVIL MISC REVIEW APPLICATION No. - 488 of 2023

Applicant :- Ganesh

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Murli Dhar Mishra

Counsel for Opposite Party :- C.S.C., Manish Gupta

Hon'ble Saurabh Shyam Shamshery, J.

1. This is an application filed on behalf of Respondent-3, Udai Bhan in writ petition, for review of judgment dated 19.09.2023 passed in Writ-B No. 327 of 2023. The application is mainly filed on the ground that writ petition was decided ex parte.

2. Sri Sachchidanand Tiwari, Advocate holding brief of Sri M.D. Mishra, learned counsel for review-applicant, though fairly submits that averments made in counter affidavit were taken note of, however, the apprehension still left that crux of the issue, i.e., about the share in terms of sale deeds and boundaries of it, i.e., whether it was abut to road or not, may be taken note by Revisional Authority.

3. Sri Ramesh Rai, learned counsel appearing for petitioner in writ petition, submits that above apprehension is already taken note in the order dated 19.09.2023, however, it may be further clarified.

4. In view of above, this application is disposed of with observation that Revisional Authority shall also take note of contents of sale deed in regard to share as well as boundaries mentioned therein on basis of position as existing on the date of execution of sale deed and for that, if necessary, a spot inspection may also be conducted.

Order Date :- 26.10.2023

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