

Court No. - 47

Case :- WRIT - C No. - 37133 of 2023

Petitioner :- Sudarshan Ram

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Shyam Sunder Maurya

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and perused the record.

2. The instant writ petition has been filed for following relief:

"(i) issue a writ order or direction in the nature of mandamus directing the respondent no. 2 i.e. Sub-divisional Magistrate Jakhaniya, District Ghazipur to decide the restoration application dated 10.09.2021, in case No. 261/37 of 2012-13, Computerized case No. T2012142905350 (Sudarshan Vs. Bholanath and others), under section 176 U.P.Z.A. & L.R. Act, expeditiously as possible as within short stipulated period as may be fixed by this Hon'ble court which is pending before Sub-divisional Magistrate Jakhaniya, District Ghazipur."

3. Contention of the learned counsel for the petitioner is that against the decree in the partition suit, a restoration application has been filed by the respondent no. 10 on 10.09.2021 and the same is pending. The petitioner is opposite party in the aforesaid restoration application.

4. No useful purpose would be served in keeping this petition pending.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, the present petition stands disposed of finally with a direction to respondent No. 2/Sub-divisional Magistrate Jakhaniya, District Ghazipur to consider and decide the aforementioned restoration application dated 10.09.2021, in accordance with law, expeditiously, preferably within a period of **three months** from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

Order Date :- 30.10.2023

Ved Prakash

(Manish Kumar Nigam, J.)