

Court No. - 47

Case :- WRIT - C No. - 39841 of 2023

Petitioner :- Shivshankar And Another

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

Counsel for Petitioner :- Ashok Kumar Singh

Counsel for Respondent :- C.S.C.,Pradeep Singh

Hon'ble Manish Kumar Nigam,J.

1. Heard learned counsel for the parties and perused the record.

2. This writ petition has been filed for following relief:

"(i) Issue a writ, order or direction in the nature of certiorari quashing the order dated 23.09.2023 passed by respondent no. 2 in case no. 02135 of 2019 (Computerized Case No. T201916670402135) Balkeshwar and others Vs. Shishankar and others, u/s 116 of the U.P. Revenue Code, 2006."

3. Contention of the learned counsel for the petitioner is that by impugned order, the prayer for deciding the maintainability of the suit as primary issue as raised by the petitioner has been declined by the court and it has been observed that the same will be considered at the time of hearing of the case.

4. In my opinion, no illegality has been committed by the court below as whether the objections taken by the petitioner as to the maintainability of the suit can be better decided, after considering the evidence, if any, lead by both the parties.

5. In view of the same, I am not inclined to interfere in the matter.

6. The matter is pending since 2019 and the petitioner who is an opposite party in the aforesaid proceedings have appeared before the court below, it would be expedient that proceedings itself may be decided within a period of six 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 :- 21.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)