

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11803 of 2023

Petitioner :- Smt Sweety Agarwal

Respondent :- M/S Thakur Prasad Book Depot

Counsel for Petitioner :- Abhiuday Mehrotra, Anil Kumar

Hon'ble Ashutosh Srivastava, J.

Heard Shri Abhiuday Mehrotra, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed the notice upon the sole respondent is dispensed with.

Learned counsel for the petitioner submits that the present petition, under Article 227 of the Constitution of India, has been filed for expeditious disposal of the application for restoration, registered as Misc. Case No. 04 of 2018, whereby and whereunder the Execution Case, seeking execution of the ex parte decree, passed in Original Suit No. 999 of 2012, Smt. Mridula Agarwal vs. M/s Thakur Prasad Book Depot, was dismissed in default.

Learned counsel for the petitioner submits that the said application, seeking recall of the order dated 14.11.2017 is pending consideration since 09.01.2018 and the purpose of filing the present petition would stand served if, appropriate directions are issued to the learned Civil Judge (Senior Division), Varanasi, seized with the restoration application, registered as Misc. Case No. 04 of 2018, for expeditious disposal of the same.

Considering the totality of the circumstances and taking note of the fact that the application for restoration of the Execution Case is pending consideration since 09.01.2018, the Court is of the opinion that that the ends of justice would stand served, if directions are issued for expeditious disposal of the pending restoration application.

Accordingly, the petition is ***disposed off*** by requiring the Civil Judge (Senior Division), seized with the application for restoration, registered as Misc. Case No. 04 of 2018, filed in Original Suit No. 999 of 2012, Smt. Mridula Agarwal vs. M/s Thakur Prasad Book Depot, to consider and pass appropriate order on the said application, expeditiously, preferably within a period of two months from the date of service of certified copy of the order of this Court, strictly in accordance with law.

Order Date :- 6.12.2023

Deepak/