

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11749 of 2023

Petitioner :- Suleman And Another

Respondent :- Naushad

Counsel for Petitioner :- Mohd Zubair

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioners and perused the record.
2. The petitioners have preferred the present petition with the prayer to set aside the order dated 30.05.2023 passed by the1. Heard learned counsel for the petitioners and perused the record.
3. The petitioners have preferred the present petition with the prayer to set aside the order dated 30.05.2023 passed by the Civil Judge (junior Division) Garhmuktehwar Hapur in Civil Suit No.177 of 2022 (Naushad Vs. Suleman and another).
4. It reveals from perusal of the aforesaid order, it is clear that the aforesaid order has been passed in an ex-parte manner. It is settled that again an ex-parte order, two remedy is available to the petitioner:-
 - (1) to challenged the aforesaid order by filing appeal as provided in the C.P.C.
 - (2). to file recall application.
5. In this view of the matter, this Court is of the opinion that since the petitioner has efficacious remedy, the petition is not maintainable.
6. Accordingly, the present petition is dismissed.

Order Date :- 21.11.2023

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