

Court No. - 47

Case :- WRIT - C No. - 40694 of 2023

Petitioner :- Brajlal

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Mustaqeem Ahmad

Counsel for Respondent :- C.S.C.

Hon'ble Manish Kumar Nigam, J.

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

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

"1. Issue a Writ order or direction in the nature of Certiorari quashing the restoration proceeding in suit no. 1932 of 2020 pending before respondent no. 3."

3. Learned Standing Counsel raised a preliminary objection that a restoration application has been filed by the respondent on 02.08.2023 for recalling the order dated 07.01.2023. Since the restoration application is pending, there is no ground made out by the petitioner for quashing the restoration application.

4. In view of the above, I am not inclined to interfere in the matter.

5. Since the restoration application is pending and the petitioner is opposite party in the aforesaid restoration application, the same may be considered and decided by respondent no. 3- Tehsildar, Mahoba, District- Mahoba, 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.

6. With the aforesaid observation, the petition is **disposed of**.

Order Date :- 4.12.2023

Nitika Sri.

(Manish Kumar Nigam, J.)