

Court No. - 47

Case :- WRIT - C No. - 40941 of 2023

Petitioner :- Subhashchandra And 2 Others

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

Counsel for Petitioner :- Raj Karan Yadav

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 present petition has been filed for the following relief:

"(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned Judgement and order dated 22.07.2022 passed by respondent no. 3, Naib Tehsildar, Marka Tehsil Baberu, District Banda in case no. 74/T202107110202084 (Krishna Kumari Vs. Chhedilal and others) under section 35/1 of U.P. Revenue Code, 2006 and order dated 21.10.2023 passed by respondent no. 2, Commissioner Chitrakoot Dham Mandal, Banda in Vad No. 918 of 2022 (Computer Case No. C202207000000918) (Subhashchandra and others Vs. Krishna Kumari) under Section 210 of U.P. Revenue Code, 2006."

3. An application was filed by the petitioner stating therein that, in her objections the respondent has stated that the order dated 07.06.2021 passed in favour of the petitioner was stayed by an order dated 26.10.2021, which does not exist on record, therefore plaintiff-respondent be directed to produce the copy of the order and the relevant Khatauni. On the aforesaid application, the trial court has not passed any order and proceeded to record the evidence of the plaintiff by order dated 22.07.2022. Against the aforesaid order, a revision has been filed and the same has also been dismissed by order dated 21.10.2023.

4. From the perusal of the orders impugned it is clear that no illegality has been committed by the courts below since admittedly, even as per the petitioner, the order in his favour was never stayed and is not on record. Therefore, there was no occasion for him to make a prayer to direct the plaintiff to produce the same, since she has stated this fact in her affidavit.

5. The writ petition is devoid of merits and is **dismissed**, however, since the Case No. T20210711020284 (Krishna Kumari Vs. Chhedilal and others) under Section 35/1 of U.P. Revenue Code, 2006 is pending since 2021 and the petitioner has appeared in the case, it is in the interest of justice that the aforesaid case be decided within a period of three months, in accordance with law 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 :- 4.12.2023

Nitika Sri.

(Manish Kumar Nigam, J.)