

Court No. - 8

Case :- WRIT - C No. - 1000676 of 2010

Petitioner :- Smt. Kalawati And Ors.

Respondent :- Additional District Judge Unnao And Ors.

Counsel for Petitioner :- Mohd. Aslam Khan, Mohiuddin Khan

Counsel for Respondent :- C.S.C., H.A.B. Sinha

Hon'ble Pankaj Bhatia, J.

I.A. No 5 of 2023

1. An application has been filed proposing to amend the petition from Article 226 to Article 227.
2. The amendment application is allowed.
3. The petition is treated to application under Article 227.

C.M. Application No.75279 of 2011

4. The application was filed stating that during the pendency of the writ petition, the sole petitioner no.1 Smt. Kalawati died, the subsequent purchasers from the petitioner no.1 are already arrayed as petitioners no. 2 to 7.
5. In view thereof, the substitution application is allowed.

Order on merit.

6. Heard the counsel for the petitioner representing the petitioners no. 2 to 7.
7. I have perused the record. The proceedings were initiated against the order dated 16.03.2007 whereby, an issue no.8 was claimed with regard to the jurisdiction of the court to hear the suit. The Civil Court vide an order dated 16.03.2007 dismissed the said application upholding that the court had the jurisdiction to hear the suit. The said order was challenged by preferring a revision under section 115 of CPC. The said revision came to be dismissed on 22.10.2009.
8. Considering the fact that only an issue was decided, I do not propose to interfere with the findings recorded by both the courts. The petitioner would be at liberty to challenge the said issue also when the regular appeal is filed after the dismissal of the suit.

9. No good ground for interference are made out.

10. The application under Article 227 is ***dismissed*** with direction to conclude the further proceedings in Regular Suit No. 348 of 2000 (Smt. Sukh Rani vs. Santosh Kumar and others) with all expedition in accordance with law.

11. Registry of this court is directed to transmit a copy of this order to the court concerned for expeditious disposal of the suit.

Order Date :- 17.10.2023

VNP/-