

Court No. - 8

Case :- WRIT - C No. - 1000098 of 2007

Petitioner :- Vishnu Swaroop Srivastava And Others

Respondent :- Additional District Judge Hardoi And 12 Others

Counsel for Petitioner :- Ashok Kumar Srivastava, Ashok Kumar Srivastava

Counsel for Respondent :- C.S.C., Amit Srivastava, R.R. Srivastava, Vivek Kumar Rai, Vivek Kumar Srivastava

AND

Case :- WRIT - C No. - 1005857 of 2006

Petitioner :- Arvind Swaroop Srivastava

Respondent :- Court Of Additional District Judge Hardoi And 18 Others

Counsel for Petitioner :- Jaspreet Singh

Counsel for Respondent :- C.S.C., A.K. Srivastava, Amit Srivastava, G.S. Srivastava, Vivek Srivastava

Hon'ble Pankaj Bhatia, J.

1. Both the writ petitions are arise out of the similar proceedings, as such, the same are decided by this common order.

2. The counsel for the petitioner has sent an illness slip, however, considering the fact that the matter is of the year 2007, I do not propose to adjourn the matter.

3. The present petition has been filed against an order whereby an application filed by the petitioner seeking recall of an ex-parte preliminary decree was rejected and subsequently, the appeal preferred against the same was also dismissed.

4. While dismissing the appeal, the court has rightly observed that there was no dispute with regard to apportionment of shares in the preliminary decree, as such, no good ground for recall existed and the petitioners who are the shareholders would have a right to participate before the final decree is drawn.

5. In view of the said finding, no interference is called for.

6. The writ petition lacks merit and is ***dismissed***.

7. The other petition Writ C No. 1005857 of 2006 (Arvind Swaroop Srivastava Vs. Court Of Additional District Judge Hardoi And 18 Others) arising out of the similar proceedings is also ***dismissed***.

Order Date :- 17.10.2023

VNP/-