

Court No. - 8

Case :- WRIT - C No. - 1000746 of 2013

Petitioner :- Ambika Prasad Tiwari

Respondent :- District Judge Distt. Pratapgarh And 3 Others

Counsel for Petitioner :- Akhilesh Pandey

Counsel for Respondent :- Manish Kumar, Onkar Nath Pandey

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. Present petition has been filed challenging the order passed in Civil Revision No.9 of 2012 on 30.04.2012 whereby, the revisional Court refused to interfere with the exercise of discretion by the consolidation Court.
3. Contention of counsel for the petitioner is that in view of the notification issued under Section 4 (2) of the Consolidation of Holdings Act, the proceedings initiated would stand abated by virtue of the mandate of Section 5 (2) of the Consolidation of Holdings Act. The said contention of counsel for petitioner was repelled by the consolidation Court and the revisional Court also dismissed the same while doing so, it was recorded that the parties were in agreement that the suit was not pending when the notification under Section 4 (2) of Consolidation of Holdings Act was issued. There is no pleading on record to demonstrate that the said recording of admission in between the parties is substantially incorrect or wrong.
4. In view thereof, I do not see any reason to interfere in the impugned order.
5. Petition lacks merit and is hereby ***dismissed***.
6. The petitioner would be at liberty to take such steps to protect his rights as may be advised in accordance with law.

Order Date :- 23.11.2023

-Amit K-