

Court No. - 21

Case :- WRIT - C No. - 1003253 of 2002

Petitioner :- Ram Baran Singh

Respondent :- Special/ Addl. District Judge Raebareli And Others 4

Counsel for Petitioner :- R.N.Tilhari

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Pathak,J.

Instant writ petition is arising out of order dated 12.02.1999 passed by trial court refusing to issue commission and the same was affirmed by the revisional court vide order dated 24.08.2002. Record reveals that the suit is pending since 1987 however, there is no specific order to stay the further proceedings going on before the trial court. Order-sheet reveals that notice issued to the petitioner to engage another counsel on account of elevation of then counsel Sri R.N. Tilhari as an Hon'ble Judge of this High Court. The order dated 07.07.2022 passed by Joint Registrar (J)(N) reveals that notice issued to the petitioner, however, the undelivered envelope has been returned back with the postal endorsement that addressee is not found, therefore, service is not sufficient.

From perusal of envelope, containing the detail of the petitioner and his address, reveals that the same name and address has been mentioned on the envelope which has been mentioned in the array of parties of the instant writ petition. There is no another address available on record for the purpose of sending notices to petitioner. In this conspectus, as above, no useful purpose would be served to keep this writ petition pending which is arising out of suit filed in the year 1987. Sufficient time has already been elapsed.

In view of above, the instant writ petition is dismissed for want of prosecution.

Order Date :- 29.5.2023

Saurabh Yadav/-