

Court No. - 3

Case :- MATTERS UNDER ARTICLE 227 No. - 3319 of 2023

Petitioner :- Ram Kumar Soni

Respondent :- Learned Civil Judge (S.D.) Gonda And 9 Others

Counsel for Petitioner :- Utkarsh Kumar

Hon'ble Subhash Chandra Sharma,J.

Heard learned counsel for petitioner and perused the record.

This petition has been filed by the petitioner with prayer to set aside the impugned order dated 24.4.2023 passed by the learned Civil Judge (Senior Division) Gonda in Regular Suit NO. 85 of 2023 (431 of 2002) CNR No. UPGDO50001762023 (Abdul Salam & Munna Vs. Ram Kumar Soni).

It is submitted that a civil suit was filed by Abdul Salam @ Munna against Ram Kumar Soni which was decreed by the learned Civil Judge Senior Division on 26.8.2011 against which the petitioner Ram Kumar Soni filed a Civil Appeal No. 84 of 2011 which was decided by the Additional District Judge vide order dated 7.8.2013 and matter was remanded back to the learned trial court for framing two new issues and after hearing the parties, suit was to be decided in accordance with law. In compliance of order passed by the learned Appellate Court, the learned trial court again passed the decree dated 24.4.2023 by which he restored the previous order passed on 26.8.2011 against which the petitioner has an option to file an appeal before the learned Appellate Court. Further submitted that direction be made to the learned appellate court to decide the appeal against the impugned decree, on all the issues involved in the case on the basis of material and evidence on record.

In view of submission made by the learned counsel for petitioner, it is hereby directed that in case appeal is filed by the petitioner, the learned appellate court will decide the appeal on the basis of pleadings, material and evidence on record in accordance with law.

Accordingly, the present petition is ***disposed of*** finally.

Order Date :- 27.6.2023

A. Singh