

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5255 of 2023

Petitioner :- Smt. Saroj

Respondent :- Sub Divisional Magistrate, Tehsil Raniganj, Pratapgarh And 4 Others

Counsel for Petitioner :- Sachin Tiwari

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Saurabh Lavania, J.

Heard.

The present petition is filed with the following prayer:-

"(I) Issue order or direction to the opposite party No.1/Sub-Divisional Magistrate, Tehsil-Raniganj, District-Pratapgarh, to decide the Partition Suit bearing No.RST/03183/2016 (Computerized No.T201602570503183), "Smt. Saroj Vs. Devi Prasad & others" under section 116 of U.P. Revenue Code 2006, within stipulated period of time, in the interest of justice."

At the very outset, learned State Counsel says that case number, in issue, is Case No.RST/3183 of 2016, Computerized Case No.T201602570503183, (Saroj vs. Devi Prasad) and the case, in issue, was dismissed for want of prosecution on 12.12.2013 and thereafter, an application for restoration of the case was preferred in the month of September, 2020, which is pending consideration before the opposite party No.1-Sub-Divisional Magistrate, Tehsil-Raniganj, District-Pratapgarh, as such, it would be appropriate that a direction be issued with regard to disposal of the said pending application.

The aforesaid has not been opposed by the learned counsel for the petitioner.

Considering the fact that the case was instituted in the year 2011 itself and the application for restoration of the case is pending since year 2020, this Court finds it appropriate to direct the opposite party No.1 to decide the restoration application, most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of four months from the next date fixed in the case, if there is no other legal impediment. Ordered accordingly.

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed** of.

Order Date :- 16.10.2023

Raj