

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5204 of 2023

Petitioner :- Nasruddin

Respondent :- State Of U.P. Thru. Prin. Secy. Law, Lko. And 2 Others

Counsel for Petitioner :- Bipin Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar,J.

On an objection raised by learned Standing Counsel that the petitioner has wrongly impleaded the opposite party no.2 showing son of, whereas she has been shown as wife of Wali Mohammad in the plaint annexed as annexure no.1, Shri Ashish Kumar Upadhaya, Advocate holding brief of Shri Bipin Kumar Tiwari, learned counsel for the petitioner submits that he may be permitted to correct the same. To which there is no objection by the other side.

In view of above, learned counsel for the petitioner is permitted to correct the description of the opposite party no.3 during course of the day.

Heard learned counsel for the petitioner and learned Standing Counsel.

Considering the nature of the order proposed to be passed, the requirement of issuance of notice to the opposite party nos.2&3 is dispensed with.

Submission of learned counsel for the petitioner is that the petitioner has filed Regular Suit no.1187 of 2021 for permanent injunction alongwith an application under Order-39, Rule-1 C.P.C. which has not been disposed of till date.

Perusal of the order sheet indicates that the case is being listed for written statement and issues. It appears that the petitioner is not pressing his application. However in case there is any urgency and the petitioner wants to press his application, he may move appropriate application before the concerned court for expeditious disposal of the case and in case any such application is moved by the next date of listing the same shall be considered by the concerned court and endeavour to decide the application under Order-39, Rule-1 C.P.C expeditiously, if there is no impediment.

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

(Rajnish Kumar, J.)

Order Date :- 13.10.2023

Haseen U.