

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5503 of 2023

Petitioner :- Lal Mohammad

Respondent :- Addl. District Judge Court No. 6 District-Pratapgarh And 24 Others

Counsel for Petitioner :- Sharad Nandan Ojha,Akhand Pratap Singh

Hon'ble Rajnish Kumar,J.

Supplementary affidavit filed by learned counsel for the petitioner is taken on record.

Shri Sharad Nandan Ojha, learned counsel for the petitioner submits that he does not want to press prayer no.2, at this stage, which is for direction to the Civil Judge, Junior Division, Court No.24 for disposal of Original Suit No.317 of 2017; Lal Mohd. Vs. Smt. Sadhna Singh, therefore this petition may be dismissed as not pressed for the prayer no.2.

This petition is, accordingly, **dismissed** as not pressed at this stage in regard to the prayer no.2. Now this petition survives only for prayer nos.1, 3 and 4.

Learned counsel for the petitioner submits that the petitioner has filed Misc. Civil Appeal No.53 of 2022 against the order dated 22.08.2022 passed in Original Suit No.317 of 2017 and the opposite parties have appeared but the appeal is not being disposed of for one or the other reason, whereas there is urgency in the matter but perusal of the order sheet does not indicate that the case is being adjourned unnecessarily.

Considering the nature of the order proposed to be passed, the requirement of issuance of notice to the opposite parties is dispensed with.

This petition is **disposed of** with liberty to the petitioner to move appropriate application, if there is any urgency to the petitioner, for disposal of appeal expeditiously before the concerned court showing urgency which may be considered by the concerned court in accordance with law. In case any such application is moved by the petitioner within a period of one week from today, the same shall be considered by the concerned court and appropriate order shall be passed within a further period of two weeks and proceed accordingly.

(Rajnish Kumar, J.)

Order Date :- 1.11.2023

Haseen U.