

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5695 of 2023

Petitioner :- Tilat Jahan

Respondent :- Civil Judge (Prawar Khand) Court No. 15 Sultan Pur And 2 Others

Counsel for Petitioner :- Syed Waqar Husain, Salman Abbas

Hon'ble Saurabh Lavania, J.

Learned counsel for the petitioners stated that he has filed the application for impleadment to implead the proper parties and he may be permitted to implead necessary parties in the array of the parties during the course of the day.

To the aforesaid prayer, no serious objection has been raised by the learned counsel for the side opposite.

Accordingly, the prayer is acceded.

The counsel for petitioners is permitted to implead the necessary parties during the course of day.

Heard.

The present petition has been filed with the following prayer:-

"Issue Order, direction commanding O. P. No-1 i.e., Civil Judge (Prawar Khand) Court No-15 District-Sultanpur bearing Miss No. 133/2019 (R), Case title Tilat Jaha & ors VS Nanhe @Masood Ali, application for restoration to dispose of as soon as possible or stipulated period which this Hon'ble Court deems fit and proper in the circumstances of the case for securing the interest of justice because the opp. party no.2& 3 is dispossessing the petitioner and other plaintiff from the land of the petitioner, her application for restoration is pending before the court below."

Upon due consideration of the facts, as stated, that in the suit i.e. O.S. No.184 of 2004, the trial court vide order dated 09.04.2004 protected the interest of the petitioners by directing the parties to maintain status quo and thereafter, the case was dismissed for want of prosecution on 05.09.2014 and on coming to know about the order dated 05.09.2014, the petitioners preferred an application for restoration dated 02.08.2019 with prayer to recall the order dated 05.09.2014 and restore the case to its original number and the same is pending consideration as Miscellaneous Case No.133 of 2019 (R), (Tilat Jahan and others vs. Nanhe @ Masood Ali), till date, the opposite party No.1-Civil Judge (Prawar Khand) Court No- 15 District-Sultanpur is directed to dispose of the case, in issue, expeditiously, say within a period of four months from the next date fixed in the case, if possible and if there is no other legal impediment.

The benefit of this order would be available to the petitioners if he would appear on the dates fixed in the case.

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 :- 7.11.2023/Raj