

Court No. - 6

Case :- WRIT - C No. - 9817 of 2023

Petitioner :- Smt. Nirmala Devi

Respondent :- State Of U.P. Thru. Its Secy. Revenue Deptt. Lko. And 3 Others

Counsel for Petitioner :- Rakesh Kumar Saini

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar,J.

Heard Sri Rakesh Kumar Saini, learned counsel for the petitioner and learned Standing Counsel.

This petition has been filed challenging the order dated 20.07.2021 passed in Case No.00753/2017 under Section 72/73 of the Registration Act and the order dated 25.09.2023, by means of which the application for recall of the aforesaid order filed by the petitioner has been dismissed. The appeal filed by the petitioner against the order dated 29.07.2017 under Section 72 of the Indian Registration Act, 1972 has been dismissed by means of the order dated 20.07.2021 on the ground that the appeal should have been filed under Section 73(1) of the Registration Act but it has been filed under Section 72 of the Registration Act therefore it is not maintainable. The petitioner moved an application for amendment/return of the appeal taking back the order dated 20.07.2017, which has been dismissed by means of the order date 25.09.2023. Learned counsel for the petitioner does not dispute that the appeal should have been filed under Section 73(1) of the Registration Act .

In view of above, this Court is of the view that there is no illegality or error in the impugned orders, which may call for any interference by this Court. Even otherwise perusal of the application moved by the petitioner indicates that the petitioner had prayed for only deciding the appeal after recalling the order dated 20.07.2021 whereas when the appeal was filed under a wrong provision, the same could not have been decided under the other provision.

In view of above, the petition is misconceived and lacks merit. It is accordingly **dismissed**.

Order Date :- 9.11.2023

Akanksha