

**Court No. - 18**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 6232 of 2023

**Petitioner :-** Ali Askari Naqvi And Others

**Respondent :-** Up Ziladhikari Tehsil Akbarpur, Ambedkar Nagar And Others

**Counsel for Petitioner :-** Lal Bahadur Khan

**Counsel for Respondent :-** C.S.C.,Mohan Singh

**Hon'ble Shree Prakash Singh,J.**

Heard learned counsel for the petitioners, learned Standing Counsel for the State, Sri Mohan Singh, learned counsel for the Gaon Sabha and perused the material placed on record.

The instant petition under Article 227 of the Constitution of India has been filed with the prayer to direct the opposite party no. 1 i.e. Up Ziladhikari Abkarpur, District-Ambedkar Nagar for deciding the restoration application dated 31-01-2006 filed by he petitioners under Order 9 Rule 13 C.P.C. bearing Case No. 7073(Computerized Case No. T202204040107073) Ali Askari Naqvi and Others Vs. Chhotey Lal Verma & Others, relating to plot nos. 109 & 110 situated in Village-Auliyapur, Pergana & Tehsil-Akbarpur, District-Ambedkar Nagar, within the stipulated time as may be fixed by the Hon'ble Court.

Learned counsel appearing for the petitioners submits that the restoration application of the petitioners is pending since last 17 years and the same has not been decided as yet.

After arguing at length, learned counsel appearing for the petitioners submits that interest of justice would be sub-served if this Hon'ble Court may be pleased to direct the opposite party no. 1 to decide the recall application within the stipulated period of time as may be fixed by this court.

Learned State counsel as well as learned counsel for the Gaon Sabha have no objection.

Considering aforesaid innocuous prayer, the

opposite party no. 1 is directed to decide the restoration application pending in Case No. 7073(Computerized Case No. T202204040107073), within a period of two months, from the date a certified copy of this order is produced before it, in accordance with law, after affording opportunity of hearing to all the parties concerned, if there is no legal impediment.

The aforesaid order is subject to cooperation of the petitioners.

It is further provided that the authority concerned shall not grant any unnecessary adjournment to either of the parties.

With the aforesaid observation, the instant petition stands **disposed of**.

**Order Date :-** 13.12.2023

AKS