

**Court No. - 18**

**Case :-** WRIT - C No. - 11157 of 2023

**Petitioner :-** Mahboob And Others

**Respondent :-** Naseem And Others

**Counsel for Petitioner :-** Zia Ur Rehman, Ateeq Ahmad Ansari

**Counsel for Respondent :-** C.S.C.

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

1. Heard Zia Ur Rehman, learned counsel for the petitioners, Sri Hemant Pandey, learned standing counsel for the State and perused the record.

2. Instant petition has been filed with following reliefs:-

a. Issue a writ order or direction in the nature of Certiorari Quashing order dated 01.10.2019(Review).

b. Issue a order as direction in the nature of mandamus commanding the Court of The Additional Commissioner Lucknow Division Lucknow the Revision No-01367 of 2018 and Review Application and order dated 01-10-2019 is also Pending this Revision (Naseem and others - Versus Mahboob and others) is pending between the petitioners and opposite parties since -2018 with in a stipulated period.

c. Issue any other order or direction which this Hon'ble court deems fit and proper under the circumstances of the case petitioners and against opposite parties. in favour of petitioners and against opposite parties.

d. Allow the writ petition with cost against opposite parties.

3. Learned counsel for the petitioners submits that a suit under section 176 is pending before the court below and thereafter, the revision was field by the private respondents before the court of Additional Commissioner, Judicial- Ist wherein, the order was passed on 13.06.2018 and the same was dismissed on account of maintainability of the revision. He added that thereafter, in the year 2019 a review application dated 11.07.2018 was instituted for reviewing of the order dated 13.06.2018, behind

the back of the petitioners, wherein, record was summoned and the date was fixed for hearing on 08.11.2019. He submits that the matter is still pending and the proceeding which is pending before the court below under section 176 is being hampered. He added that the interest of justice would be sub-served if this Hon'ble Court is pleased to direct the Additional Commissioner, Judicial- Ist to decide the matter within stipulated period of time as may be fixed by this Court.

4. Learned standing counsel for the State has no objection to the contention aforesaid.

5. In view of the aforesaid submissions, the Additional Commissioner, Judicial- Ist, Lucknow Division, Lucknow is hereby directed to decide the case no. 01367 of 2018 within a period of 30 days, from the date of certified copy is produced before it, in accordance with law, after affording opportunity of hearing to all the parties, if there is no legal impediment.

6. The aforesaid order is subject to cooperation of the petitioners.

7. Accordingly, the instant petition is **disposed of**.

**Order Date :- 20.12.2023**

Mayank