

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6447 of 2023

Petitioner :- Rukhasana And 2 Others

Respondent :- Civil Judge (Junior Division) Gonda And 3 Others

Counsel for Petitioner :- Vijayendra Prakash Tripathi, Pankaj Kumar Dixit

Hon'ble Rajnish Kumar, J.

Sri Ravindra Kumar Mishra, Advocate holding brief of Sri P.K. Dixit, learned counsel for the petitioners submits that the husband of the petitioner no.1 and the father of the petitioner nos. 2 and 3 was the defendant in Regular Suit No.714 of 2021. He died on 14.01.2023, therefore, the petitioners moved an application for substitution in the said suit, which is pending in the Court of Additional Civil Judge(Junior Division), F.T.C IInd Gonda. He further submits that the suit was dismissed for want of prosecution on 16.02.2023 and application for recall of the said order has been filed by the respondent nos. 2 to 4, who are the plaintiffs in the suit and since they have filed an application for restoration and the petitioners have not been substituted, the private respondents are creating hindrance in the possession of the petitioners on the land in dispute. Therefore a direction may be issued for disposal of the application for recall and the application for substitution within some stipulated period.

Admittedly, no objection to the application for recall has been filed and learned counsel for the petitioners submits that the petitioners want to file objections to the application for recall. The application for substitution has also been filed only on the last date i.e. 19.01.2023 when the date has been fixed on 13.01.2024, which is the first date after filing of application for substitution.

In view of above, this Court is not inclined to issue any direction at this stage. **Dismissed.**

Order Date :- 22.12.2023

Akanksha