

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2859 of 2024

Petitioner :- Amitabh Gupta Thru. Power Of Attorney Ajay Kumar Pandey

Respondent :- Gangaram And Another

Counsel for Petitioner :- Vijay Kumar Yadav

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri Vijay Kumar Yadav, learned counsel for the petitioner, learned Standing Counsel for the State and perused the material available on record.

2. By means of the present writ petition, the petitioner has sought following relief:-

"to direct the Civil Judge (Junior Division), Tanda, Ambedkar Nagar to decide the application moved under Order 1, Rule 10 of the C.P.C. in Regular Suit No. 156 of 2013 (Ganga Ram Vs. Anil Kumar) as contained in Annexure No. 1 to this petition expeditiously within the stipulated time as provided by this Hon'ble Court in the interest of justice."

3. Submission of learned counsel for petitioner is that Regular Suit No. 156 of 2013 (Ganga Ram Vs. Anil Kumar) is pending before the learned Civil Judge (Junior Division), Tanda, Ambedkar Nagar. Further submission is that the petitioner is the co-sharer in the property in dispute and his rights in the pending suit is involved. The petitioner has moved an application under Order 1, Rule 10 of the C.P.C., which is pending since 28.11.2018.

4. It is further submitted that his right shall be adversely affected in case, if the said proceedings are decided at his back without his impleadment in the pending suit.

5. Learned Standing Counsel has no objection if a direction is issued to the court concerned to decide the aforesaid application within the stipulated time as fixed by this Court.

6. In view of the order proposed to be passed, notice to private respondents are dispensed with.

7. In view of the above, this writ petition is disposed of with the direction to the learned Civil Judge (Junior Division), Tanda Ambedkar Nagar to decide the aforesaid application under Order 1, Rule 10 of the C.P.C. bearing No. 48/1 in Regular Suit No. 156 of 2013, on merit in accordance with law as expeditiously as possible say within a period of three months from the date a certified copy of this order is produced before him.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

9. With the aforesaid observations/directions, this petition is **disposed of.**

Order Date :- 4.6.2024

Virendra