

Court No. - 2

Case :- WRIT - C No. - 5602 of 2024

Petitioner :- Smt. Reshma

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Ofhome Lko And 6 Others

Counsel for Petitioner :- Manoj Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Manoj Kumar Yadav, learned counsel for the petitioner and learned Standing Counsel for the respondent nos. 1 to 3.
2. In the light of the proposed order, notice to the private respondents is dispensed with.
3. By means of present petition, the petitioner is seeking implementation of order dated 27.03.2023 passed by the Civil Judge (J.D.), Kaisarganj, Bahraich in Regular Suit No.692 of 2023 (Smt. Reshma vs Pankaj and others).
4. It has been submitted by counsel for the petitioner that though he has efficacious remedy of moving appropriate application under Order 39 Rule 2A of C.P.C. for execution of the said order but due to summer vacation in the civil court, the said application cannot be filed.
5. Learned Standing Counsel, on the other hand, submitted that the petitioner is not remediless with regard to the dispute raised by him and vacation bench is available during summer vacation in civil court where grievance of the petitioner can be duly addressed. Even otherwise, once the petitioner approaches the civil court, appropriate order will be passed and grievance raised by the petitioner can also be considered by civil court.
6. Accordingly, considering the fact that the petitioner has remedy before the civil court, this Court is loath to interfere in such matter.
7. The petition is, accordingly, **dismissed** on the ground of alternative efficacious remedy.

Order Date :- 25.6.2024

A.Kr*

(Arun Kumar Singh Deshwal, J.) (Alok Mathur, J.)