

Court No. - 19

Case :- WRIT - C No. - 10929 of 2024

Petitioner :- Ramakant Yadav

Respondent :- State Of U.P. Thru. The Prin. Secy. Deptt. Of Revenue And 10 Others

Counsel for Petitioner :- Kamlesh Kumar

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

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioner, learned State Counsel for opposite parties 1 to 4 and Mr. Mohan Singh learned counsel for opposite party No.5. In view of order being passed, notice to opposite parties 6 to 11 dispensed with.

Petition has been filed challenging order dated 26th October, 2024 passed in appeal No.2080/2024, computer case No. C20240400000280 (Jairam versus Ram Komal and others).

Learned counsel for petitioner submits that aforesaid impugned order has been passed condoning delay in filing appeal preferred by private opposite parties while granting interim injunction. It is submitted that authority concerned has completely lost sight of the fact that the petitioner has submitted an application dated 21st October, 2024 to the effect that respondent No.1 Ram Komal has passed away during pendency of proceedings. He therefore submitted that the order impugned is a nullity since it has been passed against a dead person.

Upon consideration of submissions advanced and perusal of material on record, particularly the impugned order, it is evident that while passing the impugned order delay in filing appeal has been condoned and interim injunction has been granted.

The appellate proceedings are yet pending consideration before the authority concerned. From the material on record, it is not discernible as to whether any application for substitution has been filed or that application dated 21st October, 2024 is also on record of the proceedings or not.

In such circumstances, liberty is granted to petitioner to approach the appellate authority with inappropriate application indicating the fact of demise of respondent No.1 to the appellate proceedings and seeking vacation of interim injunction granted by means of impugned order. In case such an application is filed, the same shall be considered and decided expeditiously, preferably within a period of two weeks from the date a

certified copy of this order is brought on record of proceedings.

With the aforesaid directions, the petition stands disposed of.

Order Date :- 18.12.2024

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