

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 703 of 2013

1. Smt.Rajani Katela aged about 65 years, W/o Basant Lal Katela R/o Civil Lines, Raipur, PIN-492001, Police Station Civil Lines Revenue, Tahsil, Distt. Raipur C.G.

---- **Petitioner
Plaintiff**

Versus

1. Smt.Kamladevi Jain aged about 60 years, W/o Late Parasmal Jain
2. Shri Subhashish Jain aged about 40 years S/o Late Parasmal Jain
Both resident of Shankar Nagar, Near Water Tank, Raipur, PIN-492001, Police Station-Civil Lines Tahsil & District Raipur C.G.

---- **Respondent**

For Petitioner : Shri V.G. Tamaskar, Advocate.

For Respondents : Shri P.K. Verma, Sr. Advocate with Shri Virendra Verma, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

25/08/2015

Challenge in the present writ petition is to the order dated 29.8.2013 passed in T.D.No.47/13 rejecting the application as filed by the petitioner/plaintiff under Section 24 read with Section 151 of CPC.

2. In this petition, apart from assailing the order dated 29.8.2013, the petitioner has also sought the relief of initiation of *suo motu* contempt proceedings against the concerned Judge.

3. Learned counsel for the petitioner submits that during pendency of the present petition, the Presiding Officer working as II Civil Judge, Class-I, Raipur, has been transferred and therefore, the relief for quashment of impugned order dated 29.8.2013 has become academic and the petitioner is not pressing the said relief. He, however, submits that he may be permitted to withdraw this petition with liberty to avail

the appropriate remedy as far as Relief No.10(iv) is concerned.

4. Counsel for the respondents has no objection to the proposition as put forth by the petitioner. He, however, submits that in future if any proceedings are taken, the same would be strictly in accordance with law.

5. Accordingly, the petitioner is permitted to withdraw this petition. In case, any application is filed by the petitioner in relation to Relief No.10(iv), the Court dealing with any such application may decide the same in accordance with law without being influenced by this order.

6. As Civil Suit No.42-A/07 appears to have been pending since 1.12.1990, the trial Court is directed to dispose of the suit as expeditiously as possible preferably within one year from the next date of hearing. Parties are also expected to cooperate in early disposal of the suit.

7. Registry is directed to send back the entire original record of the trial Court forthwith. Registry to also send copy of this order to the concerned District Judge, who in turn shall ensure early disposal of the suit.

Sd/

(Pritinker Diwaker)

Judge