

ITEM NO.11

COURT NO.14

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos.1160-1161/2020

[Arising out of impugned final judgment and order dated 30-05-2019 in SA No. 315/2011 in MS No. 5581/2004 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

RAM AUTAR

Petitioner(s)

VERSUS

NAND LAL & ORS.

Respondent(s)

(IA No. 5064/2020 - EXEMPTION FROM FILING O.T.)

Date : 08-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Mr. Niraj Gupta, AOR
Mrs. Anshu Gupta, Adv.
Mr. Mukesh Kumar Jain, Adv.

For Respondent(s)

Ms. Manju Jetley, AOR
Mr. Pradeep Kumar Yadav, Adv.
Mr. Alok Singh, Adv.
Dr. Amarendra Pratap Yadav, Adv.
Mr. Sandeep Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The High Court while disposing of the Second Appeal and Miscellaneous Single No.5581/2004 has observed as under:-

"Considering the fact that the second appeal of the petitioner has been decided in the aforesaid terms by this very judgment *albeit* separately and the matter arising out of the civil proceedings for permanent injunction has now been remanded back to the trial court and after going through the judgment of the Board of Revenue this Court finds that it did not appropriately deal with the reasons

given by the Additional Commissioner in his judgment dated 8.11.2002 and affirmed the order of the Tehsildar cursorily, therefore, this Court sets aside the judgment dated 2.9.2004. Consequently the revision of the petitioner before the Board of Revenue shall stand restored which shall now be considered and decided by it as per law. While doing so, the Board of Revenue shall take note of the fact that the proceedings before the Civil Court are pending and it would be advisable to wait for its decision before taking any decision in the said revision

With these observations the writ petition is disposed off."

2. Thus, it appears that the matter has been remitted to the Trial Court.

3. Today, when the matters were taken up for hearing, the learned counsel appearing for the petitioner pointed out that on remand, the suit came to be dismissed for non-prosecution.

4. We are further informed that notice has been issued on the application filed for restoration of the suit that came to be dismissed for non-prosecution.

5. Having regard to the reasons assigned by the High Court and in the wake of subsequent developments, we see no good reason to interfere with the impugned orders passed by the High Court.

6. The Special Leave Petitions are, accordingly, dismissed.

7. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)