

Court No. - 8

Case :- MATTERS UNDER ARTICLE 227 No. - 365 of 2024

Petitioner :- Ram Prasad Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Petitioner :- K.K. Singh

Counsel for Respondent :- C.S.C.,Gaurav Mehrotra

Hon'ble Jaspreet Singh,J.

1. Shri Rakesh Srivastava, learned counsel has filed his Vakalatnama on behalf of the respondents no.2 and 4 which is taken on record.

2. Heard learned counsel for the petitioner.

3. Shri Gaurav Mehrotra, learned counsel who was requested by the Court to seek instructions regarding the veracity of the order sheets which have been filed by the present petitioner alongwith the petition seeking expedition of the execution proceedings said to be pending since 2001. Shri Mehrotra has provided the copy of written instructions alongwith the certified copies of the entire order sheets, the same is taken on record.

4. From the perusal of the aforesaid instructions, it transpires that the Presiding Officer of the Execution Court has taken charge only on 20.11.2023. It has further been stated that the Presiding Officer has stated that an endeavour will be made to decide the execution proceedings within a period of three months provided the counsel for the parties also co-operate.

5. Having taken note of the aforesaid and considering that the extract of the order-sheets which have been filed by the petitioner at running page 52 and 53 of the paper book does not declare or reflect the correct proceedings. Comparing the same to the extract of the order sheets which are certified copies provided by Shri

VERDICTUM.IN

Mehrotra, it reflects a different picture altogether, this necessarily leads to the inference that the order sheets filed by the petitioner are not accurate or correct copies.

6. Considering the aforesaid facts and circumstances and for the reason that the petitioner has not provided the correct copies and impression was given that the matter is being listed for orders without any substantive hearing whereas the order sheets indicate that on few occasions on account of Members of Bar were abstaining from judicial work, the proceedings could not be substantively taken forward. It is in view thereof, this Court is not inclined to entertain the petition. Also noticing that the Presiding officer is already endeavouring that he shall decide the same as expeditiously as possible.

7. Accordingly the petition is **dismissed** with a cost of Rs.2500/-, the same shall be payable by the petitioner with the District Legal Aid Services Authority, Lucknow within a period of two weeks from today and a receipt be filed in this case.

Order Date :- 12.2.2024

ank