

Saket Rastogi vs Sushil Kumar And 4 Others on 1 April, 2025

Author: Rohit Ranjan Agarwal

Bench: Rohit Ranjan Agarwal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:45017

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 14096 of 2024

Petitioner :- Saket Rastogi

Respondent :- Sushil Kumar And 4 Others

Counsel for Petitioner :- A.B.N.Tripathi

Counsel for Respondent :- Perdeep Kumar Vishnoi

Hon'ble Rohit Ranjan Agarwal,J.

1. On 24.02.2025 following order was passed by this Court;

"A preliminary objection has been raised as to the maintainability of the writ petition on the ground that an application moved under Order 9 Rule 13 CPC along with Delay Condonation Application filed under Section 5 of Limitation Act has been dismissed by the Court below, as such, an appeal under Order 43 Rule 1 (d) CPC would lie, and not Matters under Article 227.

Learned counsel for the petitioner submits that only Section 5 application has been rejected and not application under Order 9 Rule 13 CPC. He further submits that subsequent to the dismissal of the delay condonation application filed under Section

5, three dates have been fixed for the consideration of application filed under Order 9 Rule 13 CPC.

Learned counsel for the petitioner to supply a copy of the writ petition to Registrar (Compliance) who shall seek instructions from the court concerned within a period of two weeks as to why the consequential order on the application Order 9 Rule 13 CPC has not been passed, once the application for delay condonation filed under Section 5 has been rejected.

Put up as fresh after two weeks."

2. Pursuant to the said order an explanation from Civil Judge (Senior Division), Moradabad dated 07.03.2025 has been furnished, which is as under;

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