

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 2488 (M/S) of 2012

Arvind Kumar Jain S/o Sri Suresh Chandra Jain - Petitioner

Vs.

3rd Addl. District Judge, Dehradun and others -Respondents

Hon'ble B.S. Verma, J. (Oral)

Heard Sri Neeraj Garg, Advocate for the petitioner.

By means of this petition the petitioner has sought indulgence of this Court to issue direction to 3rd Addl. District Judge, Dehradun to decide the Misc. Case No. 42 of 2010 Arvind Jain Vs. Hari Singh (dead) along with delay condonation application, setting aside abatement application and substitution application.

The grievance of the petitioner is that he has filed release application before Prescribed Authority U/S 21 (1)(a) of U.P. Act No. 13 of 1972, which was dismissed by the Prescribed Authority. Thereafter appeal was preferred, which was admitted by appellate court after condoning the delay of 8 days. The rent control appeal was dismissed for want of prosecution on 21-10-2010. In the meantime it transpired that the tenant passed away leaving behind his legal heirs respondents 2 and 3. Thereafter the petitioner on 13.11.2010 filed application for restoration of appeal with delay condonation and prayer was also made for setting aside abatement accompanied with application for substitution of legal heirs of deceased tenant. The legal heirs file their objections. The application of the petitioner is registered as Misc. Case No. 42 of 2010. The respondents are adopting delaying tactics and the matter requires expeditious disposal. Therefore direction be issued to appellate court to expedite the disposal of the appeal. Prayer made is innocuous.

Since the respondents 2 and 3, legal heirs of deceased tenant, have appeared before the appellate court and they have filed their objections, therefore the 3rd Addl. District Judge Dehradun is directed to expedite the hearing of Misc. Appeal No. 42 of 2010 Arvind Jain

Vs. Hari Singh (dead) along with delay condonation application, setting aside abatement application and substitution application, which are pending before him and decide the same after hearing both the parties in accordance with law, expeditiously, as far as possible, preferably, within a period of eight weeks, from the date of production of certified copy of this order.

With the above direction the writ petition is disposed of finally.

ISB

(B.S. Verma, J.)
30-11-2012