

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

31ST MARCH, 2022

CIVIL REVISION NO.98 of 2021

Between:

Zubair Ahmad (Deceased) through
Legal Representatives ...Revisionists.

and

Mujiburrehman ...Respondent.

Counsel for the Revisionists: Mr. V.K. Kaparwan with Mr.
Yogesh Pant, learned
counsel.

Counsel for the Respondent: Mr. K.H. Gupta, learned
counsel.

Hon'ble Alok Kumar Verma, J.

This S.C.C. Revision has been preferred against the order dated 25.10.2021, passed by the Additional District Judge, Kotdwar, District Pauri Garhwal, in SCC Suit No.07 of 2019, "Mujiburrehman vs. Zubair Ahamd, whereby, the right to defense of the revisionist/defendant has been struck off by allowing the application of the respondent/plaintiff under the provisions of Order 15 Rule 5 of the Code of Civil Procedure, 1908.

2. Heard Mr. V.K. Kaparwan with Mr. Yogesh Pant, the learned counsel for the revisionists and Mr. K.H. Gupta, the learned counsel for the respondent.

3. The learned counsel for the revisionists submitted that the revisionists are ready to deposit all

the dues, they have till today. They further submitted that the revisionists undertake that all the dues will be deposited by the revisionists before the concerned court within one month from today.

4. The learned counsel for the respondent submitted that in view of the oral undertaking, given by the revisionists, the present revision may be disposed of with a direction to the concerned court to decide the matter expeditiously.

5. The learned counsel appearing for the parties submitted that the parties will not seek any unnecessary adjournments.

6. In the above circumstances and in the interest of justice, impugned order dated 25.10.2021, passed by the Additional District Judge, Kotdwar, District Pauri Garhwal in SCC Suit No.07 of 2019, "Mujiburrehman vs. Zubair Ahamd", is set aside. The Additional District Judge, Kotdwar, District Pauri Garhwal is requested to take the matter and decide the same as expeditiously as possible without granting any unnecessary adjournments, but, in accordance with law.

7. The present Civil Revision is disposed of, accordingly.

ALOK KUMAR VERMA, J.

Dt: 31.03.2022

JKJ/Neha