

**Court No. - 51**

**Case :-** WRIT - C No. - 28552 of 2023

**Petitioner :-** Dhirendra And Another

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** A.P. Singh

**Counsel for Respondent :-** C.S.C.,Sudhir Bharti

**Hon'ble Chandra Kumar Rai,J.**

1. The instant petition has been filed for mandamus directing the respondent no.2 i.e. Sub-Divisional Magistrate, Tamkuhi, District- Kushinagar to decide the partition Suit No.T201805440310988 (Dhirendra & Others Vs. Ashwani and Others), under Section 116 of U.P. Revenue Code, 2006 within stipulated period.

2. It is further mentioned in the writ petition that the aforementioned partition suit, under Section 116 of U.P. Revenue Code, 2006 is pending before respondent no.2 for adjudication. Copy of the order sheet of the case has been annexed as Annexure No.2 to the petition in order to demonstrate that the case is not proceeding according to the provisions contained under Rule 109 (10) of U.P. Revenue Code Rules, 2016.

3. Without expressing any opinion on merits of the case and keeping in view of the facts and circumstances, respondent no.2 is directed to decide the aforementioned partition suit on merits after giving an opportunity of hearing to the parties in accordance with law expeditiously preferably within a period of six months from the date of production of certified copy of this order before him.

4. Accordingly, the writ petition is finally ***disposed of.***

**Order Date :-** 30.8.2023

Rameez