

(2008) 12 AHC CK 0166
In the Allahabad High Court

Pradeep Kumar Pandey

APPELLANT

Vs

5th Additional District Judge, Court No.5, Rai Bareli and
others

RESPONDENT

Date of Decision : 05-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0166

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Disposed Of

Judgement

Rajiv Sharma, J.

Heard learned counsel for the parties.

As the prayer of the petitioner is innocuous, the issuance of notice to the private respondent is dispensed with.

It has been stated by the learned counsel for the petitioner that the opposite party No.2 has filed a Claim Petition under the Motor Vehicles Act. On 30.7.2004, the opposite party No.1 has ordered to proceed ex parte against the petitioner after presuming the service is sufficient. On 24.12.2005, the opposite party No.1 passed the final order in Claim Petition. When the petitioner came to know about the said order, he moved an application under Order 9 Rule 13 read with 151 of the Code of Civil Procedure for recall of the ex parte order on 23.1.2006. Since then, it is pending before the opposite party No.1.

After arguing the matter at length, learned counsel for the petitioner says that he does not want to press the reliefs claimed in the writ petition but restricts his prayer only to the extent that the trial Court may be directed to decide the application for recall of the order dated 24.12.2005 expeditiously, to which learned Standing Counsel has no objection.

Accordingly, the opposite party No.1 is directed to decide the application for recall of the order dated 24.12.2005, expeditiously, by 31.3.2009, in accordance

with law, after hearing both the parties.

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