
(2012) 07 AHC CK 0040
In the Allahabad High Court
Case No : C.M.W.P. No. 1272 of 2012

Pranav Bhardwaj

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 31-07-2012

Acts Referred:

Citation : (2012) 6 AWC 5660

Hon'ble Judges : Pankaj Mithal, J

Bench : Single Bench

Advocate : Rajesh Kumar, for the Appellant;

Judgement

Pankaj Mithal, J.—Petitioner has preferred this writ petition against the order dated 15.3.2012 passed by the Civil Judge, Senior Division, Gautam Buddh Nagar and has preferred this petition with the following prayers:

(a) Issue a writ, order or direction in the nature of certiorari quashing the summoning proceeding in original suit No. 344 of 2011 pending in the court of Civil Judge (Senior Division) Gautam Buddh Nagar.

(b) Issue a writ, order or direction in the nature of mandamus commanding the respondent not to harass to the petitioner in pursuance of summoning proceeding.

(c) issue any other and further order or direction as this Hon''ble Court may deem fit and proper under the facts and circumstances of the case.

(d) award the costs of the petition to the petitioner.

In substance the petitioner has prayed for quashing of the order dated 15.3.2012 passed by the Civil Judge, Senior Division, Gautam Buddh Nagar in Original Suit No. 344 of 2012.

2. The aforesaid suit has been instituted by respondent No. 2 for recovery of certain amount from the petitioner. The court below vide order dated 15.3.2012

has directed for issuance of notice to the petitioner who is defendant in the suit to file his written statement.

3. It is a cardinal principle of natural justice that before deciding any lis between the parties, all parties should be given adequate opportunity of subletting explanation, adducing evidence and hearing before the suit is decided. Therefore, in case the court below has directed for issuance of notice, it is a step towards following the principles of natural justice which is a necessary requirement under the CPC also. In view of the above, I am of the opinion that the writ petition is misconceived and frivolous in nature which has been filed without any sense of responsibility. It is, therefore, dismissed with a token cost of Rs. 100 to be deposited by the petitioner within 10 days In the Registry, failing which, it shall be recovered as arrears of land revenue.