

Court No. - 1

Case :- CIVIL REVISION No. - 114 of 2022

Revisionist :- Smt. Laxmi Devi And 3 Otrs.

Opposite Party :- State Of U.P Thru Principal Sec.
(Civil Sec.) Lko. Nd 5 Otrs.

Counsel for Revisionist :- Prabhash Pandey, Vishnu Shankar Jain

Counsel for Opposite Party :- C.S.C., Amitabh Trivedi, Fatima Anjum, Manoj Kumar Singh, Saurabh Tiwari, Syed Ahmed, Vineett Sankalp, Zaheer

Hon'ble Arvind Kumar Mishra-I,J.

Sri Vishnu Shanker Jain, Sri Prabhash Pandey and Sri Puneet Sharma, learned counsel for the revisionists, Sri Amitabh Trivedi, learned counsel for the respondent no.6 are present.

Sri Manoj Kumar Singh, Advocate has put in appearance on behalf of the Archaeological Survey of India who was earlier directed to file report of the Archaeological Survey of India on the point in issue. Today in compliance of the earlier order of this Court, he has sought further time for opinion / report of the Archaeological Survey of India as well as other agencies by way of the time extension application regarding the subject matter of the dispute between the parties so as to file complete report in the matter, which application for time extension be uploaded by computer section through e-mode forthwith.

Learned counsel for the revisionist has regretted that the exercise could not be completed within eight weeks that was accorded to the Archaeological Survey of India. However, looking to the gravity of the matter, consultation with other agencies is indispensable.

Learned counsel for the revisionist has opposed the plea and claimed that sufficient time i.e. eight weeks has already been given in the month of January, 2023 and to seek further time would be nothing but

to prolong the matter for no sanguine reason.

Considered the submissions.

Under facts and circumstances of the case, it is expected that the Archaeological Survey of India may take appropriate steps to arrive at some conclusion qua carbon dating, ground penetrating radar, excavation and other methods in compliance of the order passed by this Court.

The time extension application has already been given in the garb of obtaining advice from other agencies. Further time should not be sought by the the Archaeological Survey of India as the Archaeological Survey of India may take advice as it thinks appropriate by embarking upon process which would expedite the mater because the issue on merits has been kept pending since long for obtaining report of the Archaeological Survey of India which time extension application is working against interest of justice and it should not be allowed to go on any further from 05.04.2023.

Put up this case on 05.04.2023 in the additional cause list.

In view of above, the trial court shall fix date in the trial after 05.04.2023.

It is expected that other agencies situate at Roorkee, Kanpur Nagar or somewhere else which have been sought to tender advice would take up the case without causing any unnecessary delay.

Order Date :- 20.3.2023

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