

Court No. - 6

Case :- CIVIL REVISION No. - 114 of 2022

Revisionist :- Smt. Laxmi Devi and others

Opposite Party :- State of U.P. through Principal Secretary
(Civil Secretariat) Lucknow and others

Counsel for Revisionist :- Prabhash Pandey

Counsel for Opposite Party :- C.S.C., Amitabh Trivedi, Manoj
Kumar Singh, Saurabh Tiwari

Hon'ble J.J. Munir, J.

The Office Report dated 29.11.2022, so far as it relates to service, shows that notice sent by R.P.A.D. to respondents nos. 1 to 5 is still in the process of delivery, going by the postal track.

Mr. S.F.A. Naqvi, learned Senior Advocate assisted by Mr. Zaheer Asghar and Mr. Syed Ahmed Faizan, Advocates appears on behalf of respondent no. 4. *Vakalatnama* shall be caused to be uploaded to the e-portal within next 24 hours. On the next date of listing, the name of Mr. Zaheer Asghar and Mr. Syed Ahmed Faizan shall be shown on the respondents' side.

An affidavit of service has been uploaded to the e-portal by the revisionists, which shows that service upon all the six respondents has been effected by hand. All the respondents have accepted the notices, copies of which are enclosed with the affidavit of service. Service upon all the respondents is, therefore, held sufficient.

A time extension application has been filed on behalf of the Archaeological Survey of India ("*ASI*" for short) praying for enlargement of time. The said application is not listed as yet, because the Office Report shows that there are some defects.

In any case, it is clarified that the ASI are not a party to this

revision. They have been asked to report on certain matters relevant to the issue as an expert agency, may be falling in the definition of a "Commission" or an "Expert".

Mr. Shashi Prakash Singh, the learned Additional Solicitor General of India along with Mr. Manoj Kumar Singh, learned Counsel appearing for the ASI states that they require three months' further time to report about the feasibility of carrying out any kind of investigation, in terms of the order dated 04.11.2022, without causing any damage to the structure found at the site.

Mr. S.F.A. Naqvi says that this Court cannot proceed with this revision, in view of the order dated 17.05.2022 and a further order dated 11.11.2022 passed in Petition for Special Leave to Appeal (Civil) No. 9388 of 2022 by the Hon'ble Supreme Court.

This revision is adjourned by six weeks.

Let it be listed on **18.01.2023 at 02:00 p.m.**

The Trial Court may fix a date in the suit after 18.01.2023.

Order Date :- 30.11.2022

I. Batabyal