

**Court No. - 19**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 555 of 2018

**Petitioner :-** Rafiq

**Respondent :-** Mohd.Iliyas (Deceased) And 14 Ors.

**Counsel for Petitioner :-** Nagendra Kumar Srivastava

**Hon'ble Manoj Kumar Gupta,J.**

Supplementary affidavit filed today is taken on record.

Counsel for the petitioner submitted that the application seeking setting aside of ex parte decree has been rejected solely on the ground that order sheet of a particular date has been signed by his minor son, whereas the said finding is manifestly illegal. It is urged that the petitioner was never served with summons in the suit.

The matter requires consideration.

Issue notice to the respondents fixing a date in the first week of April, 2018.

Steps to be taken within a week by registered post.

All the respondents are directed to file counter affidavit by the next date.

Having regard to the facts of the case and the submissions made, eviction of the petitioner in pursuance of decree passed in Original Suit No.188 of 1994 shall remain stayed, till the next date of listing.

(Manoj Kumar Gupta, J)

**Order Date :-** 6.2.2018

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