

(2025) 12 UK CK 0583

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 3564 Of 2025

Abhay Kumar

APPELLANT

Vs

Vidyapati & Others

RESPONDENT

Date of Decision : 23-12-2025

Acts Referred:

Citation : (2025) 12 UK CK 0583

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : D.C.S. Rawat

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. By means of the present writ petition, petitioner seeks following reliefs:-

?(i) Set-aside the part of the order dated 11.09.2025 (annexure no.4) passed by learned court of Civil Judge (Junior Division), Kotdwar, District Pauri Garhwal in Original Suit No.88 of 2025, Abhay Kumar vs. Vidyapati & others, whereby the learned trial court failed to grant ex-parte temporary injunction in favour of the plaintiff/petitioner and merely issued notices to the defendants/respondents.

(ii) Set-aside the order dated 06.12.2025 (annexure-4) passed by learned court of Civil Judge (Junior Division), Kotdwar, District Pauri Garhwal in Original Suit No.88 of 2025, Abhay Kumar vs. Vidyapati & others, whereby the learned trial court rejected the application dated 06.12.2025 filed by the petitioner for restraining the defendants/respondents from changing the nature of the property in question or interfering in any manner or attempting to take illegal possession by force or cause any such act to be done in the property in question;

(iii) Allow the application dated 06.12.2025 filed by the petitioner and restrain the defendants/respondents from changing the nature of the property in question or interfering in any manner or attempting to take illegal possession by

force or cause any such act to be done in the property and/or direct the learned trial court to decide the temporary injunction application on the next date fixed or at the earliest within time bound period as may be fixed by this Hon^{ble} Court.?

2. At the outset, learned counsel for the petitioner submits that he does not wish to press the writ petition insofar as prayer no. (i) is concerned, whereby a prayer was made to set aside the order dated 11.09.2025 to the extent that the ex parte temporary injunction in favour of the petitioner/plaintiff was refused and only notices were issued to the respondent/defendant.

3. Accordingly, the writ petition is dismissed as not pressed insofar as prayer no. (i) is concerned.

4. Insofar as prayer no. (ii) is concerned, learned counsel for the petitioner/plaintiff contends that the petitioner/plaintiff was denied an ex-parte temporary injunction, and that an application dated 06.12.2025 was filed by the petitioner seeking injunction, as respondent nos. 16, 17, 18, 19, 27 and 28 were represented by learned Advocate Mr. Amit Sajwan. The said application was rejected by the learned Civil Judge, J.D., Kotdwar, Pauri Garhwal, vide the impugned judgment and order dated 06.12.2025, whereby the respondents were directed to take steps for service upon the unserved defendants and the case was fixed for filing of written statement/objection on 23.12.2025.

5. Learned counsel for the petitioner/plaintiff submits that there is an apprehension in the mind of the petitioner/plaintiff that, in the garb of the said order, the temporary injunction application moved by the petitioner/plaintiff may be rejected.

6. The apprehension expressed by learned counsel for the petitioner/plaintiff is misconceived and is accordingly rejected.

7. The petitioner is aggrieved by the judgment only to the extent that it states that permanent injunction shall be granted to the petitioner/plaintiff only after evidence is adduced by both the parties. There is nothing erroneous in the observation made by the trial court. By the impugned order dated 06.12.2025, the learned trial court has not acted in any manner adverse to the interest of the petitioner/plaintiff, except for fixing the case for filing of written statement/objection on the temporary injunction application and directing the petitioner to serve the un-served respondents/defendants. Thus, no interference is required in the matter. Accordingly, the present writ petition is dismissed in-limine.

8. Pending application, if any, stands disposed of accordingly.