

(2026) 02 UK CK 1788

In the Uttarakhand High Court

Case No : Writ Petition No. 338 Of 2026 (M/S)

Ganga Ram Moti Ram Delhi Wali Dharamshala Trust Through
Its President / Chairman Pramod Kumar Rathi

APPELLANT

Vs

Rajkumar Rathi And Others

RESPONDENT

Date of Decision : 16-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2026) 02 UK CK 1788

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Pramod Bailwal, Bharat Singh, Payal Jain

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This Writ Petition has been filed under Article 227 of the Constitution of India with the following prayers :-

“(I) To issue a direction to the learned Civil Judge (S.D.) Rishikesh, District Dehradun to decide the application under Order 39 Rule 1 & 2 read with section 151 of C.P.C. which is numbered as 6C2 application along with the affidavit 7C2 which is pending before the Court of Learned Civil Judge (S.D.) Rishikesh, District Dehradun in O.S. No. 69 of 2025 Ganga Ram Moti Ram Delhi Wali Dharamshala Trust Vs Shri Rajkumar Rathi and others on the next date fixed i.e. 20-02-2026 or at an early date.

(II) To issue a direction to the respondent no. 2 not to create any third party interest on the property known as Ganga Ram Moti Ram Delhi Wali Dharamshala situated as property no. 13/10 Main Bazar Rishikesh total area 1919.54 Sq. metre by way of any Sale Deed, Gift Deed or Leased Deed and from removing the old structure and changing the nature of the property till the application under Order 39 Rule 1 & 2 r/w Section 151 of C.P.C. is decided which is pending

before the Court of Learned Civil Judge (S.D.) Rishikesh, District Dehradun in O.S. No. 69 of 2025 Ganga Ram Moti Ram Delhi Wali Dharamshala Trust Vs Shri Rajkumar Rathi and others.

(III) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the cases.

(IV) Award cost of the petition to the petitioner.”

2. Heard Mr. Pramod Bailwal, learned counsel for the petitioner.

3. Mr. Pramod Bailwal, Advocate, has submitted that the Application for temporary injunction has been pending for the last three and a half months. He submitted on instructions that the petitioner wants to press only prayer no. (I).

4. In the facts and circumstances of the case, the present Writ Petition (WPMS No. 338 of 2026) is disposed of requesting the concerned Civil Judge to endeavor to decide the Application, filed for temporary injunction in Original Suit No. 69 of 2025, on 20.02.2026, and, if the said Application is not decided on 20.02.2026 due to any cogent reason, then the concerned Civil Judge shall decide the said Application as early as possible, but not later than three weeks from the date of presentation of certified copy of this order.

5. It is made clear that this Court has not expressed any opinion on the merit of the case.