
(2001) 05 UK CK 0028
In the Uttarakhand High Court
Case No : C.M.W.P. No. 616 (M/S) of 2001

Hari Kant Joshi

APPELLANT

Vs

District Judge and Another

RESPONDENT

Date of Decision : 04-05-2001

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1 , Order 39 Rule 2, Order 39 Rule 3

Citation : (2002) 2 UC 164

Hon'ble Judges : P.C.Verma, J

Bench : Single Bench

Advocate : V.B. Nigam, for the Appellant; Kedar Singh Rawat and S.C., for the Respondent

Judgement

P.C. Verma, J.—Sri Kedar Singh Rawat has accepted notice on behalf of respondent No. 2, who filed suit for permanent injunction against the petitioner. The District Judge, while passing the impugned order dated 19.4.2001, provided that till the disposal of the objection to be filed by the defendant, the defendants are restrained from dispossessing the plaintiff from over the disputed land and making any interference in construction made by the plaintiff in anyway.

2. The learned counsel for the petitioner submits that the objection has been filed, but the same is not being disposed of and the respondents are making construction, in case they complete the constructions, the defendants would be put to an irreparable loss. therefore, keeping the balance of convenience between the parties, it is expedient that the order dated 19.4.2001 should be stayed till the disposal of the objection filed by the petitioner/defendant. The date fixed for the disposal of the objection of the defendant/petitioner was 3.5.2001 but the same was not disposed of.

3. Considering the facts and circumstances of the case, it is provided that the District Judge shall dispose of the objections of the petitioner/defendant within a period of ten days, from the date of production of a certified copy of this order.

4. Till then, the parties shall maintain status quo.
5. The petition is disposed of in terms of aforesaid observation.