
(2001) 05 AHC CK 0087

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 616 (M/S) of 2001

Hari Kant Joshi

APPELLANT

Vs

District Judge, Uttarkashi & Anr.

RESPONDENT

Date of Decision : 04-05-2001

Acts Referred:

Citation : (2001) 05 AHC CK 0087

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

Final Decision : Disposed Of

Judgement

P. C. Verma, J.

1. Sri Kedar Singh Rawat had 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 1942001 provided that till the disposal of the objection to be filed by the defendant, the defendants are sustained from dispossessing the plaintiff over the disputed level 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 are 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 1942001 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 352001, 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 statusquo.

5. The petition is disposed of in term of aforesaid observation.