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**(2010) 09 AHC CK 0434**  
**In the Allahabad High Court**

Ram Asarey

APPELLANT

Vs

District Judge and Others

RESPONDENT

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**Date of Decision :** 01-09-2010

**Acts Referred:**

**Citation :** (2010) 09 AHC CK 0434

**Hon'ble Judges :** Anil Kumar, J

**Bench :** Single Bench

**Final Decision :** Disposed Of

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## Judgement

Anil Kumar, J.—Admit.

2. Learned Standing Counsel who put in appearance on behalf of respondent Nos. 1 to 4 prays for and is granted two weeks" time to file counter affidavit.

3. One week"s thereafter time is granted to the petitioner"s counsel to file rejoinder affidavit.

4. List thereafter.

5. Sri R.R. Upadhyay, learned Counsel for the petitioner for the purpose of interim relief submits that aggrieved by the order dated 26.07.2010, the petitioner filed a revision before respondent No. 1 (District Judge, Unnao) registered as Civil Revision No. 36 of 2010 and the same was admitted on 03.08.2010, however on the application for interim relief, only notices were issued to the respondents fixing the next date in the matter as 06.09.2010.

6. Sri R.R. Upadhyay, learned Counsel for the petitioner further submits that the impugned action on the part of the respondent No. 1 thereby not granting the injunction and only issuing the notices is an action is contrary to the principles of natural justice, as well as the judgment passed by Hon"ble Apex Court in the case of Mool Chand Yadav and Another Vs. Raza Buland Sugar Company Limited, Rampur and Others,

7. Heard learned Counsel for the petitioner and gone through the record.

8. In the present case, as per the admitted facts that the revision filed by the petitioner has been admitted by the respondent No. 1 i.e. District Judge, Unnao by order dated 03.08.2010 and on application for grant of stay notices have been issued fixing 06.09.2010. So keeping in view the law as laid down in the case of Radha Rani Gold Storage Ptd. Ltd. v. U.P. State Gold Storage Tribunal and Ors. 2009 (27) LCD 1391, by this Court wherein it is held as under:

The Grievance of the petitioner is that though the appeal filed by the petitioner before the Tribunal had been admitted, but the Tribunal refused to grant interim relief causing serious prejudice to the petitioner. Hon''ble the Apex Court in the case of Mool Chand Yadav and Another Vs. Raza Buland Sugar Company Limited, Rampur and Others, has observed that during the judicial approach requires that during the pendency of the appeal, the operation of an order having serious civil consequences must be suspended, more so when appeal is admitted. The aforesaid proposition of law has been reiterated by this Court in the case of Daroga and Anr. v. Commissioner, Gorakhpur Division, Gorakhpur 1996 (14) LCD 540, wherein this Court has held that it is established principle of law that during the pendency of appeal where right of parties are yet to be adjudicated, the interim orders may be passed in order to preserve the situation.

9. Parties are directed to maintain status-quo in respect to the land in question which is the subject matter of dispute as exists today till the next date of listing or till disposal of the stay application filed by the petitioner before the revisional court in the Civil Revision No. 36 of 2000 whichever is earlier.