

(2025) 04 UK CK 0758

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 736 Of 2025

Ritu

APPELLANT

Vs

Kuldeep Kaur Alias Seema Gulati And Others

RESPONDENT

Date of Decision : 03-04-2025

Acts Referred:

Citation : (2025) 04 UK CK 0758

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Anil Kumar Joshi, Brahmchari Sudhanand

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. The challenge in this petition is made to an order dated 25.02.2025, , passed in Civil Revision No.16 of 2025, Smt. Ritu Vs. Kuldeep Kaur @ Seema Gulati and others ("the revision"), by the court of District Judge, Haridwar, by which, the court did not grant any stay , instead issued notice on the stay application. The revision was preferred against the judgment and order 18.02.2025, passed in Misc. Case No. 82 of 2021, Kuldeep Kaur and others Vs. Ritu Gulati, by the court of 1st Additional Civil Judge (Senior Division), District Haridwar, by which, while rejecting the objection of the petitioner, it was directed that the share in the property in dispute be finalised pursuant to decree dated 23.08.2011, passed in Original Suit No. 265 of 2001, Kuldeep Kaur @ Seema Gulati and others Vs. Smt. Ritu Gulati.

2. Heard learned counsel for the parties and perused the record.

3. On 10.03.2025, when the petition was admitted subject to certain conditions, the Court directed that status quo qua the structure existing over the land in question shall be maintained.

4. Learned counsel for the petitioner would submit that in the revision

04.04.2025 is the date fixed, where the stay application of the petitioner is pending. The matter may be disposed of with the direction to the revisional court to decide the stay application.

5. Learned counsel appearing for the respondent nos. 3, 4 and 5 would submit that 09.04.2025 is the date fixed in the execution proceedings. The petitioners are merely delaying the execution of the decree. They could have very well file any objection in the execution proceedings. Instead, they preferred the revision. He would submit that though the matter may be relegated to the revisional court, but the execution should not be stayed. He would also submit that the respondent nos. 3, 4 & 5 would file objections in the revision by 05.04.2025 because notices on the revision have not been served on them and they came to know about the pendency of the revision by virtue of the instant writ petition

6. The writ petition is disposed of with the direction that the respondent nos. 3, 4 and 5 may file their objections to the stay application in the revision, by 05.04.2025 with further request to the court in revision to decide the stay application on day-to-day basis as expeditiously as possible.

7. This order shall have no effect on the execution of the decree.