

**(2021) 11 UK CK 0091**  
**In the Uttarakhand High Court**  
**Case No : Writ Petition (M/S) 2413 Of 2021**

Sahana Parveen

APPELLANT

Vs

Narendra Kumar Sharma And Another

RESPONDENT

**Date of Decision :** 18-11-2021

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 151  
Code Of Civil Procedure, 1908 — Order 39 Rule 1, Order 39 Rule 2  
Code Of Civil Procedure, 1908 — Section 151

**Citation :** (2021) 11 UK CK 0091

**Hon'ble Judges :** S.K. Mishra, J

**Bench :** Single Bench

**Advocate :** Prabha Naithani

**Final Decision :** Disposed Of

## Judgement

S.K. Mishra, J

1. Heard Ms. Prabha Naithani, learned counsel for the petitioner.
2. In view of the order of this Court proposes to pass, no notice is required to be sent to the respondents.
3. In this writ application, the petitioner is has prayed for issuance of an appropriate direction for setting aside the order dated 12.10.2021 (annexure-3) passed by the learned Civil Judge (S/D), Vikas Nagar, Dehradun in Original Suit No. 120 of 2021 (Sahana Parveen vs. Narendra Kumar Sharma and another), whereby the learned Civil Judge (S/D), has refused to grant an ex parte interim injunction in favour of the petitioner. The petitioner has further prayed that appropriate directions may be issued for maintaining status quo with respect to the property in question, during pendency of the interim injunction application arising out of the aforesaid Original Suit.
4. In view of the order, this Court proposes to pass, it is not expedient to issue notice to the opposite parties at this stage.

5. It is apparent from the record that the petitioner is a lady, whose husband at present resides in Delhi because of medical exigency and the land is recorded in the name her father-in-law, but as per report of the Lekhpal, the petitioner is in possession of the land in question and her house is standing thereon. It is also the case of the petitioner that the respondents are trying to dispossess her by using force taking advantage of her residing alone in that house.
6. In that view of this matter, this Court is of the opinion that the learned Civil Judge(S/D), Vikas Nagar, Dehradun has committed error on record by not giving an order of protection to the petitioner and the property in her possession.
7. In that view of the matter, this Court directs that the parties shall maintain status quo as on today with respect to the land in question and the house standing thereon, till the disposal of the interim application filed under Order 39 Rule 1 & 2 read with Section 151 of the C.P.C., by the learned Civil Judge (S/D).
8. The petitioner shall file a certified copy of this order before the learned Civil Judge (S/D) on 23rd of November, 2021. On such an event, the learned Civil Judge (S/D) shall advance the case and pass an appropriate order and file shall also be taken for hearing of the application for temporary injunction and disposal after affording reasonable opportunities of hearing and producing documents to the petitioner and respondents, by passing speaking and reasoned orders within 30 days from that date.
9. The writ petition is disposed of accordingly.
10. There shall be no order as to the costs.
11. Urgent certified copy of this order be granted to the petitioner today itself on proper application.