
(2022) 01 UK CK 0078
In the Uttarakhand High Court
Case No : Special Appeal No. 2 Of 2022

Vgrassp Services A Proprietorship Firm	APPELLANT
Vs	
State Of Uttarakhand & Another	RESPONDENT

Date of Decision : 12-01-2022

Acts Referred:

Citation : (2022) 01 UK CK 0078

Hon'ble Judges : S. K. Mishra, J; N.S. Dhanik, J

Bench : Division Bench

Advocate : Dharmendra Barthwal, Anil Bisht

Final Decision : Dismissed

Judgement

S.K. Mishra, J

1. The matter is taken up through Virtual hearing.
2. Heard Mr. Dharmendra Barthwal, learned counsel for the appellant and Mr. Anil Bisht, learned Additional Chief Standing Counsel for the State.
3. In this case, the appellant has assailed the order passed by the learned Single Judge on 06.01.2022, which for the sake of convenience is quoted

herein below:

Mr. D.S. Patni, Senior Advocate, assisted by Mr. Dharmendra Barthwal, Advocate for the petitioner.

Mr. T.S. Phartiyal, Additional C.S.C. for the State of Uttarakhand.

Heard learned counsel for the parties. As prayed, four weeks' time is granted to learned Additional C.S.C. to file counter affidavit.

List this matter immediately after four weeks.

The relief, as sought in the writ petition, can only be granted by a Civil Court.

In such view of the matter, there is no question of grant of ex-parte interim relief in favour of the petitioner.

Accordingly, interim relief application (I.A. No. 1 of 2021) stands rejected.

Let a certified copy of this order be issued, within 48 hours.â??

4. It is apparent from the record that in this case, the learned Single Judge has granted four weeksâ?? time to learned State counsel to file the

counter affidavit. So, there is no dismissal of the writ application. However, as far as the interim ex parte injunction is concerned, the learned Single

Judge has held that relief sought in the writ application can only be granted by the Civil Court. Therefore, it is argued by the learned counsel for the

State that there is nothing to be decided by the learned Single Judge. However, we are of the view that since the notice has been issued by the learned

Single Judge, such observation appears to be innocuous one, which will not have bearing in the merits of the writ application in the final hearing. In that

view of the matter, we are not inclined to entertain the Special Appeal.

5. The Special Appeal is accordingly, dismissed.