

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Second Appeal No. 115 of 2015

(Under Section 100 of C.P.C.)

Nand Kishor Pandey Plaintiff/Appellant

versus

Smt. Bhagwati Devi Bhojak Defendant/ Respondent

Mr. T. A. Khan, Senior Advocate, assisted by Mr. Aditya Kumar Arya,
Advocate, present for the appellant.

U.C. Dhyani, J. (Oral)

Heard learned counsel for the appellant on both the applications being CLMA No. 9319 of 2015 and CLMA No. 9620 of 2015.

Learned Senior Advocate argued that this Court, on 05.08.2015 passed the following Order:

“After hearing learned counsel for the appellant and after considering the grounds taken up in the Second Appeal, it is provided, as an interim measure that, *status quo* as on today, shall be maintained by the parties on the suit property till further orders.”

It is submitted by the learned Senior Counsel for the appellant that in spite of the aforesaid order of

status quo, respondent is defying the said order. He, therefore, wants that any Advocate Commissioner should go on the spot and submit his report as to whether the said order of this Hon'ble Court is being defied by the respondent or not? It is also submitted by the learned Senior Counsel for the appellant that the notice has been served upon the respondent.

Both the applications (CLMA No. 9319 of 2015 and CLMA No. 9620 of 2015) are allowed. Mr. Sarvesh Aggarwal, Advocate, who is present in the Court in another case, is appointed as an Advocate Commissioner, who shall visit the spot and submit his report as to whether the respondent is defying the order of this Court dated 05.08.2015, in spite of service of notice and knowledge of order or not?

It is the statement of learned Senior Advocate for the appellant that the respondent has already been served and has knowledge of the Order dated 05.08.2015.

Learned Advocate Commissioner shall be entitled for honorarium to the tune of Rs.10,000/- plus Travel Expenses, which shall be borne by the appellant.

A certified copy of this Order be handed over the learned Advocate Commissioner within 24 hours.

(U.C. Dhyani, J.)
24.08.2015

Kaushal

