

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPMS No.239 of 2026</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Nishant Krishna Adhikari, learned counsel for the petitioner.</p> <p>2. Registry has raised an objection that a copy of the petition has not been served upon the caveator.</p> <p>3. Learned counsel for the petitioner submits that the caveat filed is not in respect of the impugned order under challenge, which fact is evident from the caveat itself; therefore, service upon the caveator is not required.</p> <p>4. The objection raised by the Registry is overruled.</p> <p>5. Learned counsel for the petitioner would further submit that the present petition under Article 226 of the Constitution of India has been filed challenging the order dated 19.01.2026 passed by the learned IVth Additional District Judge, Dehradun in SCC Execution No. 12 of 2025. By the said order, the Executing Court has allowed the application of the respondent-decree holder for delivery of possession of the suit property, without adjudicating upon the petitioner's pending application seeking permission to file objections under Section 47 of the Code of Civil Procedure.</p> <p>6. It is submitted that the impugned order directing delivery of possession with police assistance, and further permitting breaking open of the lock, has been passed mechanically and in complete disregard of the petitioner's statutory rights under Section 47 C.P.C. It is contended that the Executing Court</p>

was under a legal obligation to decide the petitioner's objections before proceeding further with the execution. Therefore, the impugned order is arbitrary, illegal, and liable to be quashed. The petitioner has also prayed for quashing of the entire execution proceedings and for restraining the respondents from taking forcible possession of the suit property.

7. Learned counsel would further submit that against the decree, a civil revision has already been filed by the petitioner, which is pending consideration before this Court, and therefore, further proceedings pursuant to the impugned order dated 19.01.2026 deserve to be stayed.

8. This Court finds substance in the submissions made by learned counsel for the petitioner.

9. Issue notice to the respondents, returnable within six weeks.

10. List the matter after service of notice upon the respondents.

11. In the meantime, further proceedings pursuant to the impugned order dated 19.01.2026, passed by the learned IVth Additional District Judge, Dehradun in SCC Execution No. 12 of 2025, shall remain stayed till the next date of listing.

12. Stay application (I.A. No. 2 of 2026) stands disposed of.

13. Urgency application (I.A. No. 1 of 2026) also stands disposed of.

(Alok Mahra, J.)

Vacation Judge
23.01.2026