

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	07.05.2026		<p>SA No.25 of 2026</p> <p><u>Hon'ble Siddhartha Sah, J.</u></p> <p>Mr. B.P. Nautiyal, Sr. Advocate assisted by Mr. Mohd. Matlub, Advocate for the appellant.</p> <p>The present appeal is preferred against the Judgment/Decree dated 28.11.2025 passed by the learned Additional District Judge, Kotdwar, Pauri Garhwal in Civil Appeal No.01 of 2024, Bhaskar Singh and others vs. Maheshanand Gaur and others.</p> <p>Learned counsel for the plaintiff/appellant made the submissions that the plaintiff purchased the property in question in the year 1999 and since then, he has been in settled possession thereof. The father of the defendant/respondent tried to harass the plaintiff and in his such endeavour instituted a suit for eviction under Section 209 of the U.P. Zamindari Abolition and Land Reforms Act, 1950. The said suit came to be dismissed vide judgment and order dated 03.09.2002. Thereafter, a suit for injunction was instituted by Mahaveer Singh however, that suit came to be dismissed in the year 2006. Not satisfied with such litigation, the defendant then resorted to muscle power which led to the registration of the FIR and son of the defendant was convicted in a criminal case. The</p>

defendant did not stop at this stage and further started to interfere in the suit property. Not satisfied with the criminal case, the defendant Mahaveer Singh filed some SCC suits against the plaintiff's tenants which were dismissed. Since the defendant had been continuously interfering in the plaintiff's peaceful possession of the property in question hence he was constrained to institute a suit for permanent injunction against the defendant.

The trial court framed as many as 15 issues and the issues were decided in favour of the plaintiff and the suit for injunction was decreed.

Aggrieved against the said judgment and decree of permanent injunction, the defendant preferred an appeal before the First Appellate court which came to be allowed by the first appellate court.

Assailing the judgment of the first appellate court, learned senior counsel for the plaintiff/appellant has made the submissions that without disturbing the findings which were returned by the trial court, the first appellate court has allowed the appeal and dismissed the suit of the plaintiff at the appellate stage. The plaintiff being the owner of the property and in settled possession, the appeal could not have been allowed.

After considering the submissions made by

learned senior counsel for the appellant and after going through the record and the impugned judgment, the present appeal deserves to be admitted on the following substantial questions of law:-

“(i) Whether the plaintiff was owner in possession of the suit property, hence was entitled for the relief of permanent injunction?

(ii) Whether the relief of injunction can be sought by one co-owner against the alleged co-owner on land with specific boundary in a joint holding?”

Summon the Trial Court Record.

Issue notice to the respondents. Steps to be taken within a week.

List this case on 09.07.2026.

Since the appeal has been admitted and the second appeal has to be finally decided, hence an interim order will be called for.

Till the next date of listing, status quo *qua* the possession shall be maintained by the parties.

Stay Application (IA No.1 of 2026) stands disposed of accordingly.

(Siddhartha Sah, J.)

07.05.2026

Ravi