

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>25.04.2025</u>		<p>WPMS No. 1165 of 2025 <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Vijay Bhatt, Advocate for the petitioner.</p> <p>2. Petitioner has challenged order dated 15.04.2025, passed by learned Civil Judge (Junior Division), Rudrapur, District Udham Singh Nagar in Original Suit No. 17 of 2024. He has also challenged the order dated 17.04.2025, passed by learned District Judge, Udham Singh Nagar in Misc. Civil Appeal No. 14 of 2025.</p> <p>3. By order dated 15.04.2025, passed by learned Civil Judge (Junior Division), petitioner was restrained from interfering with the possession of the plaintiff-Harjeet Singh over the land in question. Learned District Judge, vide order dated 17.04.2025 issued notice on the Misc. Civil Appeal, filed by petitioner, fixing 14.05.2025.</p> <p>4. Learned counsel for petitioner submits that petitioner has filed a declaratory suit under Section 229B of U.P.Z.A. & L.R. Act before the Assistant Collector, First Class, Bazpur Camp Gadarpur, District Udham Singh Nagar, which is numbered as Revenue Suit No. 22/24 of 2012-13, in which learned trial Court has passed interim order, directing the parties to maintain <i>status quo</i>, qua</p>

			<p>the land in dispute.</p> <p>5. He further submits that challenging said interim order, respondent-Harjeet Singh filed a revision before the Commissioner, Kumaon Division on 03.12.2024, which is still pending before Commissioner, KUmaon Division, but no interim order was passed in his favour.</p> <p>6. Learned counsel for the petitioner submits that after passing of interim order by Assistant Collector, First Class, Bazpur in Revenue Suit No. 22/24 of 2012-13, and with a view to defeat the declaratory suit filed by the petitioner, respondent filed the civil suit for permanent injunction before Civil Judge (Junior Division), which was registered as Civil Suit No. 17 of 2024 and in the said suit, interim order has been passed by learned trial Court, restraining the petitioner from interfering with possession of the respondent in respect of the land in question. Thus, he submits that subsequent suit filed by respondent before Civil Judge (Junior Division) is an abuse of process and this aspect was highlighted before learned Civil Judge; however, he completely overlooked the said aspect.</p> <p>7. This Court finds some substance in the submission made by learned counsel for the petitioner.</p> <p>8. Since the declaratory suit was filed earlier in</p>
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point of time and an interim order was also passed in that suit in favour of the petitioner, therefore, no restraint order could have been passed against the petitioner in the subsequent suit filed by the respondent before the Civil Court.

9. Issue notice to respondent, returnable within four weeks. Steps to be taken within a week.

10. List the case on 26.06.2025

11. Till next date of listing, effect and operation of order dated 15.04.2025 passed by learned Civil Judge (Junior Division), Rudrapur, District Udham Singh Nagar in Original Suit No. 17 of 2024, shall remain stayed.

12. Accordingly, Interim Relief Application (IA/1/2025) stands disposed of.

(Manoj Kumar Tiwari, J.)

25.04.2025

Mahinder/