

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	08.05.2026		<p>SA No.38 of 2026</p> <p><u>Hon'ble Siddhartha Sah, J.</u></p> <p>Mr. Navnish Negi, Advocate for the appellant.</p> <p>Mr. Siddhartha Singh, Advocate for the respondent.</p> <p>The second appeal is preferred against the judgment and decree dated 09.02.2026 passed by the Ist Additional District Judge, Dehradun, in Civil Appeal No.73 of 2023, whereby the First Appellate Court reversed the judgment dated 29/04/2023 passed by the IInd Additional Civil Judge (S.D.), Dehradun in Original Suit No.245 of 2006, Vikram Singh Latwal vs. Rajesh Singh Bisht by means of which, the trial court had dismissed the suit for permanent injunction filed by the plaintiff/respondent.</p> <p>Learned counsel for the appellant at the outset makes a submission that the present second appeal arises out of non concurrent judgments.</p> <p>He further made the submission that initially the suit for injunction was filed by the plaintiff/respondent seeking injunction against the defendant/appellant with respect to the suit property bearing Khasra No.506/1.</p> <p>The trial court framed as many as 5 issues and by virtue of the judgment and order dated 09.02.2026 while dismissing the suit, allowed/decreed the counter claim preferred by the defendant/appellant.</p> <p>It is next contended by the learned counsel for the appellant that two appeals were filed and in the present case, the Civil Appeal No.73 of 2023 was preferred by the plaintiff/respondent herein against dismissal of suit.</p> <p>Assailing the judgment of the Civil Appeal No.73 of 2023 by virtue of which the first appellate</p>

court has allowed the Civil Appeal No.73 of 2023 and has decreed the suit, the learned counsel for the defendant/appellant would submit that the suit ought to have been dismissed since he proved the possession based on the documentary and oral evidence and the learned first appellate court committed error in allowing the said appeal.

Per contra, Mr. Siddhartha Singh learned counsel for the plaintiff/ respondent would submit that the plaintiff's rights flow from registered sale deed of the year 2003 and as such, the first appellate court has rightly allowed the appeal to the extent of decreeing the suit.

In view of the rival submissions of the learned counsel for the parties and after going through the record, the present second appeal is admitted on the following substantial questions of law Nos. I & II:-

“(I) Whether the First Appellate Court committed a grave legal error in granting a decree of injunction in favour of the plaintiff/respondent in respect of property situated in **Khasra No.506/1**?”

(II) Whether, in light of the admission by the plaintiff that the certified copy of his title deed (Paper No.A-2) does not contain the description/boundaries of the property, the plaintiff failed to discharge the burden of proving the **identify of the suit property**, thereby rendering the decree for injunction legally unsustainable?”

Summon the Trial Court Record.

List for further consideration on 10.07.2026.

Since the appeal is admitted, till the next date of listing, the parties are directed to maintain status quo regarding possession over the property in question.

Interim Relief Application No.1 of 2026 stands disposed of accordingly.

(Siddhartha Sah, J.)

08.05.2026

