



2026:UHC:3266-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

29th APRIL, 2026

WRIT PETITION (M/B) No. 294 OF 2026

Mickey AfzalPetitioner.

Versus

M/s MDDA Ramkey ISBT Ltd. ...Respondent

WRIT PETITION (M/B) No. 295 OF 2026

Wajieda AshrarPetitioner.

Versus

M/s MDDA Ramkey ISBT Ltd. ...Respondents

&

WRIT PETITION (M/B) No. 296 OF 2026

Mickey AfzalPetitioner.

Versus

M/s MDDA Ramkey ISBT Ltd. ...Respondents

Counsel for the petitioners : Sri Aditya Singh, learned counsel.

Counsel for the respondents : Sri Bhagwat Mehra and Sri K.K. Harbola, learned counsel for the respondent.

JUDGMENT : (Per: Sri Manoj Kumar Gupta, C.J.)

1. The present writ petitions have been filed against the orders dated 13.03.2026 passed by the Additional District Judge, Commercial Court, Dehradun in Execution Case Nos. 414 / 2019, 399 of 2020 & 249 of 2019, whereby, after rejecting the objections filed by the petitioners/judgment debtors under Section 47 of C.P.C., the Executing Court has directed the Court Amin to undertake further proceedings by way of service of notice and other requirements as contemplated under Order XXI Rules 66, 67, 68 & 72 of C.P.C. Further, it has been directed that the Court Amin will advertise for sale of the attached property in newspapers and has fixed 30.04.2026 for consideration of the Amin's report.



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2. Learned counsel for the petitioners submits that the petitioners have not been given any notice and straightaway direction has been issued to the Court Amin to advertise the property for sale.

3. The impugned orders themselves mention that the property would be notified for sale after serving notice on the petitioners, as contemplated under Order XXI Rule 66 of C.P.C.

4. Sri Aditya Singh, learned counsel for the petitioners, after making submissions at some length, prays for withdrawal of the writ petitions with liberty to the petitioners to file objection(s) before the Executing Court, as may be permissible under law in respect of the procedure adopted by the Executing Court for putting the attached property to sale.

5. Accordingly, the writ petitions are disposed of as withdrawn with liberty to the petitioners to file objection(s) and in which event the Executing Court will consider and decide the same in accordance with law.

6. Pending application, if any, also stands disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 29th April, 2026
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