

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/1608/2026</u></p> <p>Ram Singh --Petitioner</p> <p style="text-align: center;">Versus</p> <p>Hari Ram --Respondent</p> <p><u>Hon'ble Manoj Kumar Tiwari, J</u></p> <p>1. Mr. Arun Pratap Shah, learned counsel for the petitioner.</p> <p>2. Mr. Sagar Kothari, learned counsel for the caveator-respondent no. 1.</p> <p>3. Petitioner has challenged order dated 06.05.2026 passed by Additional District Judge, Vikasnagar, District Dehradun in Civil Revision No. 6/2024, whereby petitioner's application filed under Section 47 CPC was rejected.</p> <p>4. Learned counsel for the petitioner contends that the relief sought in the suit, filed by decree holder, was for permanent prohibitory injunction, however, the Executing Court has passed an order for demolition of the building belonging to judgment debtor. It is thus contended that the Executing Court cannot go beyond the decree, as held by coordinate Bench of this Court in the case of <i>Baisakhu Lal vs Civil Judge (J.D.), Rudraprayag & another reported as 2009 SCC OnLine Utt 668</i>. Para 5 of the said judgment is reproduced below: -</p> <p style="text-align: center;">“(5) It is settled principle of law that an executing court cannot go beyond parameters of the decree.</p>

The decree was simply for a prohibitory injunction. If the judgment debtor had taken possession of the land after the decree was passed, it was a new cause of action to the plaintiff who could have instituted suit for possession. In execution of a decree for prohibitory injunction, the trial court has committed a grave error of law in issuing writ of possession to deliver the possession of land to the plaintiff/decree holder, who had filed a suit and obtained decree simply for prohibitory injunction."

5. Let notice be issued to respondent no. 2 returnable within four weeks.

6. Steps to be taken within 72 hours.

7. List this case on 28.07.2026.

8. Till the next date of listing, *status quo*, as regard to building in question, shall be maintained.

9. Stay application (IA No. 1 of 2026) stands disposed of.

(Manoj Kumar Tiwari, J)

09.06.2026

Aswal