



2025:UHC:10791

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>A.O. No.439 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Vikas Kumar Guglani, Advocate for the appellants. Mr. Harshpal Sekhon, Advocate for the respondent.</p> <p>2. This Appeal from Order has been preferred by the appellants/defendants assailing the order dated 15.11.2025 passed by the learned Civil Judge (Senior Division), Kashipur, District Udham Singh Nagar, whereby the learned Trial Court allowed the application for temporary injunction filed by the respondent/plaintiff while rejecting the similar relief claimed by the appellants/defendants in their counter-claim.</p> <p>3. Learned counsel for the appellants contend that the learned Trial Court failed to appreciate the respective possession and rival claims of the parties over the suit property and passed the impugned order without adequate consideration of the material on record, resulting in grave prejudice to their rights.</p> <p>4. Learned counsel for the respondent/plaintiff, on the other hand, supports the impugned order on the ground that the same was passed after correctly recording the prima facie case, balance of convenience, and the likelihood of irreparable injury in his favour.</p> <p>5. During the course of hearing, learned counsel for both the parties fairly</p>



agreed that, in order to protect the subject matter of the suit and to avoid multiplicity of proceedings, it would be appropriate if both sides are directed not to create any third-party interest in respect of the suit property, till final disposal of the suit.

6. Considering the fair stand taken by learned counsel for the parties and keeping in view the necessity of preserving the property during pendency of the proceedings, the Court finds that such an arrangement would meet the ends of justice without causing prejudice to either party. It would also maintain the existing status of the property till the suit is finally adjudicated by the learned Trial Court.

7. Accordingly, the Appeal from Order stands disposed of with a direction that both the appellants/defendants and the respondent/plaintiff shall not create any third-party interest, alienate, transfer, or otherwise encumber the suit property in any manner whatsoever till the disposal of the original suit pending before the learned Civil Judge (Senior Division), Kashipur, District Udham Singh Nagar. The Trial Court shall proceed to decide the suit on its own merits and in accordance with law, uninfluenced by any observations made herein, as expeditiously as possible.

(Alok Mahra, J.)

04.12.2025

Arpan