

| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS |
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| | | | <p>MCC No.2 of 2026 (Review Application) I.A. No.3 of 2026 (Delay Condonation Application) I.A. No.4 of 2026 (Leave to File Review Application) I.A. No.8 of 2026 (Misc. Application) In A.O. No.439 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Vikas Kumar Guglani, Advocate for the appellants. Mr. Sagar Kothari, Advocate for the review applicant. Mr. Akshay Pradhan, Advocate for the applicant in I.A. No.8 of 2026.</p> <p>2. Considering the facts mentioned in the application, application seeking Leave to file Review Application is allowed.</p> <p>3. Cause shown is sufficient to allow the application. Consequently, the delay condonation application is allowed and the delay in filing the review application is condoned.</p> <p>4. This Review Application has been filed by the review applicant seeking review of the judgment & order dated 04.12.2025 passed in this Appeal from Order.</p> <p>5. Learned counsel appearing for the review applicant submits that the land in question has already been auctioned in favour of the review applicant and sale certificates have been issued pursuant to the order dated 02.12.2024 passed by the National Company Law Tribunal in Company Petition No. (IB)-951 (PB)/2020.</p> <p>6. It is submitted that Original Suit No.120 of 2025 was instituted by one Saleem Khan alleging that his father was earlier in possession of the land in question and, after his demise, the plaintiff continued</p> |

in possession thereof and had consequently perfected his rights by way of adverse possession. In the said suit, reliefs for declaration and permanent injunction were sought. It is further submitted that the appellants thereafter filed written statement along with counterclaim praying, inter alia, for removal of the plaintiff from the property in question and for delivery of vacant possession in favour of the appellants. The learned trial Court, vide order dated 15.11.2025, granted temporary injunction in favour of the plaintiff. Aggrieved by the order dated 15.11.2025, the appellants preferred the present Appeal from Order. This Court, while disposing of the said appeal vide order dated 04.12.2025, directed, with consent of learned counsel for the parties, that no third-party interest shall be created over the land admeasuring 28.611 hectares comprised in Khasra No.71 Min, Khasra No.70, Khasra No.72 and Khasra No.73 situated at Village Dabora Ahatmali, Tehsil Kashipur, District Udham Singh Nagar, till disposal of the suit. It has further been submitted that immediately thereafter, plaintiff Saleem Khan instituted another suit being Civil Suit No.7 of 2026 against the review applicant seeking permanent prohibitory injunction and, upon receipt of notices therein, the review applicant came to know about the order dated 04.12.2025 passed by this Court, which is now sought to be reviewed.

7. Learned counsel for the review applicant further contends that Original Suit No.120 of 2025 is a collusive proceeding instituted by the plaintiff in connivance with defendant nos.1 and 2. It is submitted that defendant nos.1 and 2 had already been declared bankrupt pursuant to the order dated 02.12.2024 passed by the National Company Law Tribunal and, thereafter, a Bankruptcy Trustee was appointed. The Bankruptcy Trustee conducted an e-auction, pursuant whereto the land in question was auctioned in favour of the review applicant

for consideration amounts of ₹4,39,46,624/- and ₹3,93,74,051/-. It is further submitted that objections preferred by another participant in the e-auction proceedings were rejected and the auction sale was affirmed. Consequently, sale certificates came to be issued in favour of the review applicant on 02.12.2025.

8. Having considered the submissions advanced and the material brought on record, particularly the issuance of sale certificates in favour of the review applicant pursuant to the auction proceedings conducted under the supervision of the National Company Law Tribunal, this Court is of the view that the order dated 04.12.2025 warrants review. Accordingly, the judgment and order dated 04.12.2025 is reviewed and recalled.

9. Since the land in question has already been auctioned and sale certificates have been issued in favour of the review applicant, and as learned counsel for the review applicant submits that the review applicant has already been impleaded as defendant in Original Suit No.120 of 2025 pending before the Court of learned Civil Judge (Senior Division), Kashipur, District Udham Singh Nagar, the grievance raised in the present Appeal from Order no longer survives for adjudication. Consequently, the Appeal from Order stands dismissed as having become infructuous.

10. However, considering the subsequent developments and in the interest of justice, the learned trial Court is directed to proceed with and decide Original Suit No.120 of 2025 expeditiously, strictly in accordance with law and without being influenced by any observations made herein.

11. Miscellaneous Application (I.A. No.8 of 2026) has been filed on behalf of Mohd. Naki seeking certain documents. Learned counsel appearing for Mohd. Naki submits that Mohd. Naki has already been impleaded

as defendant no.3 in the aforesaid suit proceedings.

12. In view of the dismissal of the Appeal from Order, no further orders are required to be passed in the aforesaid miscellaneous application and the same stands disposed of accordingly.

13. Since the review applicant as well as Mohd. Naki have already been impleaded as defendants in Original Suit No.120 of 2025, it shall be open to them to move an appropriate application before the learned trial Court for vacation, modification or recall of the interim injunction order granted in favour of the plaintiff, which application, if filed, shall be considered and decided by the learned trial Court on its own merits expeditiously, in accordance with law, by taking into account that the land in question has already been auctioned and sale certificates have been issued in favour of the review applicant.

(Alok Mahra, J.)

19.05.2026

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