



2025:UHC:11486

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3538 of 2025

23 December, 2025

Shyamrati

--Petitioner

Versus

Naresh Kumar Arora

--Respondent

Presence:-

Mr. Vishesh Srivastava, learned counsel for the petitioner.

Hon'ble Pankaj Purohit, J. (Oral)

By means of the present writ petition, the petitioner has challenged the order dated 07.07.2025 passed by the learned District Judge, Dehradun in Misc. Appeal No. 46 of 2024, *Shri Naresh Kumar Arora vs. Smt. Shyamrati*, whereby the learned District Judge, Dehradun allowed the miscellaneous appeal filed by the present respondent and further set aside the order dated 22.04.2024 passed by the learned Civil Judge (Jr. Div.), Dehradun in O.S. No. 242 of 2023, *Shri Naresh Kumar Arora vs. Smt. Shyamrati*.

2. It is the case of the petitioner/defendant that she is the lawful owner of the property bearing Property No. 49 of 2021, Akhada Mohalla, Dehradun (New No. 67, Ajeet Prasad Marg). The said property was purchased by the petitioner from its erstwhile owner, namely Shiv Kumar Gupta, on 03.06.2016 through a registered sale deed. One Mr. Chunni Lal Arora, father of the respondent herein, purchased the adjacent property vide a registered



2025:UHC:11486

sale deed dated 04.02.1960. The respondent/plaintiff instituted Original Suit No. 242 of 2023, *Naresh Kumar Arora vs. Smt. Shyamrati*, before the learned Civil Judge (Jr. Div.), Dehradun on 26.07.2023, seeking a decree of injunction. Thereafter, the respondent/plaintiff also filed an application for temporary injunction, being Application No. 6C2, with a prayer to restrain the petitioner from creating any third-party interest in the suit property. The said application was opposed by the petitioner by filing objections and was rejected vide order dated 22.04.2024. Thereafter, the respondent/plaintiff preferred an appeal, which was registered as Misc. Civil Appeal No. 46 of 2024, *Naresh Kumar Arora vs. Smt. Shyamrati*. The learned Appellate Court, vide order dated 07.07.2025, disposed of the appeal filed by the respondent/plaintiff, directed the parties to maintain status quo with respect to the suit property, and set aside the order dated 22.04.2024 passed by the learned trial court in O.S. No. 242 of 2023. Feeling aggrieved, the petitioner has approached this Court.

3. Learned counsel for the petitioner/defendant submits that the order passed by the learned Appellate Court is illegal and improper, as the court has failed to appreciate the material available on record. He further submits that the property in question is the self-acquired property of the petitioner/defendant and that the respondent/plaintiff has no right to interfere with her peaceful possession.

4. Having gone through the record, this Court is of the opinion that the petitioner is not entitled to get any relief, as there has been no impropriety or illegality committed by the appellate court. The reasons assigned



2025:UHC:11486

by the learned appellate court are quite convincing and do not warrant any interference. Further, this Court does not find any jurisdictional or procedural error in the impugned judgment and order, and therefore declines to invoke its supervisory jurisdiction under Article 227 of the Constitution of India. Accordingly, the writ petition is dismissed in-*limine*.

5. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)

23.12.2025

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