



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

CIVIL REVISION NO.11 OF 2019

14^h August, 2026

Sri Jagannath Sharma

1/ 1: Suresh Chand Anand (deceased)

1/1/1 Smt. Geeta Anand

...Revisionist

Versus

Union of India and Another

...Respondents.

Counsel for the revisionist : Mr. Neeraj Garg and Mr. Yashpal Singh, learned counsel.

Counsel for the respondent : Mr. V.K. Kaparuwan, learned
No.1 Standing Counsel.

Respondent no.2 : Mr. Vinay Kumar Gupta, learned
counsel holding brief of Mr.
Sagar Kothari.

JUDGMENT: (per Mr. Subhash Upadhyay, J.)

The present civil revision under Section 25 of the Provincial Small Cause Courts Act has been preferred assailing the judgment and order dated 23.01.2019 passed by the Judge, Small Cause Courts / 1st Additional District Judge, Dehradun in S.C.C. Suit No.20 of 2004, "Jagannath Sharma Vs. Union of India & Another". By the impugned order, suit of the revisionist /plaintiff was dismissed. Aggrieved by it, the present revision has been filed.

2. On 11.08.2025, a Co-ordinate Bench of this Court directed the concerned Officer of the respondent no.1 department to appear before this Court.



3. Mr. Piyush Pathak, Senior Divisional Engineer-I joined the proceedings through V.C. on 11.09.2025 and apprised the Court that the Railways Authority have vacated the premises and the regular rent upto 2018 was deposited in the District Court, Dehradun and stated that the remaining arrears of rent would be deposited in two weeks in the concerned Court. An affidavit to this effect was also filed by Mr. Piyush Pathak, Senior Divisional Engineer, Northern Railway, Moradabad. In paragraph no.8 of the said affidavit, it is stated that the instant civil revision is liable to be disposed of as the respondent no.1 is not in further need or possession of the land in question. Paragraph nos. 6, 7 and 8 of the said affidavit are as follows:

“6. That it is respectfully submitted here that from the property in question the commercial department of Moradabad Division has closed the passenger Reservation System vide order 2013/CNIS/PRS/2 on 21.06.2022 issued by the Railway Board. For kind perusal of the Hon'ble Court, the copies of the letters dated 21.06.2022 alongwith the other correspondence are being filed as Annexure No. S.A.-1 to this Supplementary Affidavit.

7. That it is respectfully submitted here that since the commercial department of Moradabad Division has closed the Passenger Reservation System at land in question for Railway purpose and therefore, the land is not needed further and accordingly instant affidavit is being filed before this Hon'ble Court.

8. That in view of the facts as stated above the Civil Revision No. 11 of 2019 is liable to be



disposed of as the respondent No. 1 is not in further need or possession of the land in question.”

4. On 13.03.2026, learned counsel for the revisionist submitted that the possession of said property has not been handed over by the respondent no.1-department to the revisionist till date. The learned counsel for the respondent was directed to submit clear instructions as to within how much time the said possession shall be handed over to the revisionist.

5. Learned counsel for the revisionist filed Misc. Application (IA/8/2026) along with an affidavit. In the accompanying affidavit to the said application, it has been stated that the actual and physical possession of the property in suit being property known as Clearance House, Mall Road, Kulri, Mussoorie, District Dehradun was delivered on spot on 25.03.2026 on behalf of the Northern Railway by their authorized officer to authorized representative / power of attorney holder of revisionist. Paragraph nos.3 and 4 of the said affidavit read as under:

“3. That in sequel to order dated 20.03.2026 of this Hon'ble Court, respondent no.1, Union of India through Northern Railway, had delivered actual and physical possession of the property being subject matter of SCC Suit No. 20 of 2004 Jagannath Sharma vs. Union of India & Another to revisionist on 25.03.2026. The actual and physical possession of the property in suit being property known as



Clearance House, Mall Road, Kulri, Mussoorie, District Dehradun, was delivered on spot on 25.03.2026 on behalf of Northern Railway by their authorized officer Sri Shiv Singh Rawat, Sr. Section Engineer/Work, Railway, Dehradun to authorized representative/power of attorney holder of revisionist Sri Rajendra Singh, son of Sri Maan Singh Dhanai. Revisionist acknowledges receiving actual and physical possession of the property in suit on 25.03.2026.

4. That as such the revisionist has been delivered actual and physical possession of the property. A possession delivery memo was also got prepared on the spot which was signed on behalf of northern railway by their authorized officer Sri Shiv Singh Rawat and on behalf of revisionist by her power of attorney holder Sri Rajendra Singh. Copy of Possession Delivery Memo alongwith copy of Aadhaar Card and copy of Authorization Letter, are being collectively filed herewith and marked as Annexure No.1 to this affidavit. Copy of registered Power of Attorney executed by revisionist in favor of Sri Rajendra Singh is being filed herewith and marked as Annexure No.2 to this affidavit”

6. Learned counsel for respondent no.2, on instructions, submits that respondent no.2 has no objection to the possession of the said property been taken over by the plaintiff/ revisionist. Learned counsel for the revisionist submits that as the actual and physical possession of the property has been delivered by respondent no.1 to the revisionist on 25.03.2026, on the basis of their mutual understanding, as such, the revision preferred by the revisionist deserves to be allowed.



7. Learned counsel for the revisionist, on instructions, further submits that as the possession of the property has been delivered by respondent no.1, as such, he has no objection in case the rent deposited by respondent no.1 before the Trial Court is released in its favour. The said submission is taken on record. Accordingly, the rent deposited by respondent no.1 before the learned Trial Court shall be released in favour of respondent no.1.

8. Consequently, the revision is allowed and the judgment and order dated 23.01.2019 passed by the Judge, Small Cause Courts / 1st Additional District Judge, Dehradun in S.C.C. Suit No.20 of 2004, "Jagannath Sharma Vs. Union of India & Another" is modified, in terms of the affidavit filed by the parties and taking into account the fact that the respondent no.1 has handed over the possession to the revisionist.

9. Pending application, if any, also stands disposed of.

10. Let a copy of this judgment be forthwith sent to the court concerned for due compliance.

11. LCR be also sent back.

SUBHASH UPADHYAY, J.

Dt:14.08.2026

Sukhbant