



2026:UHC:2487

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

08TH APRIL, 2026

WRIT PETITON NO.687 of 2026 (M/S)

Dr. Subhash Chandra Mittal (Deceased) through Legal
Representatives Petitioners

Versus

Smt. Sunita Mittal (Deceased) through Legal
Representatives and Others Respondents

Counsel for the Petitioners : Mr. Piyush Garg, Advocate.

Hon'ble Alok Kumar Verma,J.

Mr. Piyush Garg, learned counsel for the
petitioners.

2. Mr. Piyush Garg, Advocate submitted that Dr. Subhash Chandra Mittal and Ravi Mittal were the sons of Late Shri G.D. Mittal. Shri G.D. Mittal and Shri Ravi Mittal purchased the property jointly through a sale-deed dated 30.04.1962. The sale-deed was executed in the name of Shri Ravi Mittal. One Smt. Mahendra Devi was appointed as care-taker for Shri G.D. Mittal and his wife by Shri Ravi Mittal. Shri G.D. Mittal expired on 24.08.1996. His wife passed away on 16.02.1999. Shri Ravi Mittal died on 10.12.2011. He was a bachelor. After the death of Shri Ravi Mittal, Smt. Mahendra Devi had started claiming herself to be the wife of Shri Ravi



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Mittal. Smt. Sunita Mittal, Shri Virendra Mittal and Smt. Amita Gujral also started claiming themselves to be the children of Shri Ravi Mittal. But, actually, Smt. Mahendra Devi is the wife of Shri Bhagat Ram. Smt. Mahendra Devi expired on 26.09.2012. Vishwa Hindu Parishad Uttaranchal is claiming ownership over the suit property on the basis of an alleged Gift Deed dated 28.09.2012. The said alleged Gift Deed is stated to have been executed by Smt. Sunita Mittal and Shri Virendra Mittal. Therefore, Dr. Subhash Chandra Mittal filed an Original Suit No.217 of 2013, "Dr. Subhash Chandra Mittal vs. Smt. Sunita Mittal and Others" for declaration and perpetual injunction. Dr. Subhash Chandra Mittal died during the pendency of the original suit. The petitioners are the legal representatives of Late Dr. Subhash Chandra Mittal.

3. Mr. Piyush Garg, Advocate further submitted that Smt. Mahendra Devi was residing in Kenya and from her wedlock with Shri Bhagat Ram, one daughter namely Smt. Amita Gujral (respondent no.3-defendant no.3) was born. The petitioner no.1/3 personally visited Kenya and obtained the birth certificate of Smt. Amita Gujral, which was duly filed before the trial court. Learned IInd Additional Civil Judge (Senior Division),



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Dehradun vide impugned order dated 11.03.2026, refused to take the birth certificate of Smt. Amita Gujral on record. The birth certificate of Smt. Amita Gujral is essential to resolve the disputes arising in the said original suit.

4. Mr. Piyush Garg, Advocate submitted that after passing the impugned order dated 11.03.2026, the learned trial court has allowed the application of the defendant no.1/2, whereby certain documents have been filed. The learned trial court has granted liberty to the petitioners-plaintiffs to file documents in rebuttal.

5. Mr. Piyush Garg, Advocate submitted that the petitioners shall file relevant documents in rebuttal. Therefore, he has requested to permit the petitioners to withdraw the present writ petition with liberty to file afresh, if the need arises.

6. The present Writ Petition No.687 of 2026 (M/S) is dismissed as withdrawn as prayed, but, the fresh writ petition should be within the parameters of the law.

ALOK KUMAR VERMA, J.

Date: 08.04.2026
JKJ/Pant