



2026:UHC:2286

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

1st APRIL, 2026

WRIT PETITION NO. 765 of 2026 (M/S)

Dera Baba Dargah Singh through Manager and Mahant
and Another Petitioners

Versus

Ravindra Kumar and Others Respondents

Counsel for the Petitioners : Mr. Narendra Bali,
Advocate.

Hon'ble Alok Kumar Verma,J.

This writ petition has been filed by the
petitioners – plaintiffs under Article 227 of the
Constitution of India with the following prayers:-

“(i) Issue a writ, order or direction, directing the Learned Civil Judge (J.D.), Haridwar to decide the application under Order VII Rule 11 CPC and application under Order XXXIX Rules 1 & 2 CPC expeditiously within a fixed time frame, and till then direct the parties to maintain status quo over the property in question and also not to create any third party interest over the property in question, during pendency of the Original Suit No.123 of 2016, "Dera Baba Dargah Singh & Another vs. Ravindra Kumar & Others" before the Learned Civil Judge (J.D.), Haridwar.

(ii) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

(iii) Award the cost of petition to the Petitioner.”

2. Heard Mr. Narendra Bali, learned counsel for the petitioners.

3. Mr. Narendra Bali, Advocate, has contended



that the Original Suit (O.S. No.123 of 2016, “Dera Baba Dargah Singh through Manager & Mehant and Another vs. Ravindra Kumar and Others”) was decreed ex-parte on 03.04.2018. An Execution Application was filed. The respondents - defendants filed an application under Order IX Rule 13 read with Section 151 of the Code of Civil Procedure, 1908 along with delay condonation application. The Application, filed under Order IX Rule 13 CPC, was allowed on 20.05.2019. The respondents did not file their written statements. The trial court granted them last opportunity to file written statements. The respondents failed to file their written statements. Then, the learned trial court proceeded ex-parte against them. On the application of the respondents- defendants, the ex-parte order was recalled on 18.04.2022. The respondents – defendants filed their written statements on 17.05.2022. Issues and additional issues were framed. The respondents filed an Application under Order VII Rule 11 CPC on 20.03.2023, which is still pending.

4. Mr. Narendra Bali, Advocate, on instructions, received from the petitioner, has requested to decide the present writ petition with a direction to the learned trial court to decide the Application, filed under Order



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VII Rule 11 CPC, within four weeks.

5. Having heard, in the facts and circumstances of this case, the learned Civil Judge (Junior Division), Haridwar is directed to decide the Application, filed under Order VII Rule 11 CPC in Original Suit No.123 of 2016, as expeditiously as possible, as per law, but not later than four weeks' from the date of presentation of certified copy of this order.

6. The present Writ Petition No.765 of 2026 (M/S) is disposed of accordingly.

7. It is made clear that this Court has not expressed any opinion on the merit of the case.

ALOK KUMAR VERMA, J.

Date: 01.04.2026
Pant/