



| 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><b><u>WPMS/2182/2026</u></b><br/> Dheer Singh</p> <p style="text-align: right;">--Petitioner</p> <p style="text-align: center;"><b>Versus</b></p> <p>State of Uttarakhand and others</p> <p style="text-align: right;">--Respondents</p> <p><b><u>Hon'ble Manoj Kumar Tiwari, J.</u></b></p> <p>Mr. Aditya Singh, Advocate with Mr. Tushar Chauhan, Advocate for the petitioner.<br/> Mr. S.K. Nailwal, Standing Counsel for the State.</p> <p>2. A declaratory suit filed by respondent No. 2 under Section 229-B of Zamindari Abolition and Land Reforms Act, 1950, against father of the petitioner, was decreed <i>ex parte</i> by learned Assistant Collector vide judgment dated 12.08.2021. Since petitioner's father passed away in the meantime, therefore petitioner moved Restoration Application under Order 9 Rule 13 CPC with Delay Condonation Application before learned Assistant Collector, which are still pending.</p> <p>3. Petitioner filed a revision petition which was numbered as Revision No. 64 of 2024-25, seeking direction to the Assistant Collector to expedite disposal of his application filed under Order 9 Rule 13 CPC with Delay Condonation Application. Said revision was disposed of without notice to the parties vide order dated 27.01.2025 with direction to</p> |



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|  |  | <p>Assistant Collector, First Class, Doiwala to decide the applications filed by petitioner within two months. By said order, it was also provided that parties shall neither change the nature of the property in question nor shall they create any third party interest over the same. However, said order dated 27.01.2025 was recalled by Board of Revenue on applications made by respondent Nos. 2 and 3, vide order dated 11.11.2025 and petitioner was directed to move application for adding necessary parties as respondent in the revision petition.</p> <p>4. It was further provided in the order that question of maintainability of the revision shall be considered on 01.12.2025. The said order is challenged in this writ petition.</p> <p>5. This Court do not find any reason to interfere with the order passed by Board of Revenue on 11.11.2025 whereby its earlier order dated 27.01.2025 was recalled.</p> <p>6. Perusal of order dated 27.01.2025 reveals that it was passed on the very day the revision was presented before Board of Revenue. Perusal of record reveals that plaintiff in the suit (respondent No. 2 herein) was not added as respondent in revision petition filed by petitioner and petitioner's revision petition was decided behind the back of</p> |
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plaintiff.

7. Since by its earlier order dated 27.01.2025, Board of Revenue had protected the interest of the petitioner by overlooking the fact that plaintiff in the suit was not added as respondent in the revision, therefore subsequent order passed by Board of Revenue on 11.11.2025 cannot be faulted.

8. Since Revision No. 64 of 2024-2025 filed by petitioner has been restored to the file, therefore writ petition is disposed of with a request to Board of Revenue to decide the revision after hearing all the parties, if possible within six weeks from date of presentation of certified copy of this order.

9. Learned counsel for the petitioner undertakes to move appropriate application for impleading necessary parties in his revision petition and also for substituting the legal representatives of the parties who died during the interregnum. Such application shall be positively filed by petitioner within 10 days from today.

**(Manoj Kumar Tiwari, J.)**  
27.07.2026

Mahinder  
MAHINDER SINGH

Digitally signed by Mahinder Singh  
DN: cn=Mahinder Singh, o=UKHC, email=UKHC@ukhc.gov.in, c=IN  
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