IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMPMO No.386 of 2020

Decided on 14th October, 2025

Sh. Dhayan Singh

…Petitioner

Versus

Sh. Dinesh Kumar and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

[1]Whether approved for reporting?

For the petitioner	**:**	**M/s Mohinder Verma and Sumit Sharma, Advocates.**
For the respondents	**:**	**Mr. Nikhilesh, Advocate, viceMr. Sarthak Mehta, Advocate.**

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has prayed for the following relief:-

> *"After setting aside the order dated 09.09.2020, as passed by the learned Additional District Judge(1), Shimla and that of the learned Trial Court dated 02.07.2020, the application under order 39 Rules 1 and 2 CPC as filed by the petitioner/plaintiff against the respondents/defendants may kindly be allowed as prayed for and the petitioner/plaintiff may kindly be granted the ad-interim injunction order during the pendency of the suit in the interest of justice, equity and fair play."*

2. When this case was taken up for consideration by this Court on the first date, this Court directed that the respondents are restrained from carrying on unscientific excavation and digging in the suit land comprised in Khata Khatauni No.13/14, Khasra No.97, Kita1, measuring 0-59-25 hectares, situated at mauja Mohal Bhanta Patwar Circle Sarain, Tehsil Chopal, District Shimla, H.P.

3. This Court is of the considered view that as the said order is in operation for more than 5 years now, interest of justice would be served in case these proceedings are disposed of by directing the parties to abide by the order that was passed by this Court on 08.10.2020 by making it absolute till the decision of the Civil Suit. Ordered accordingly.

4. This petition is disposed of by directing the respondents not to carrying on unscientific excavation and digging in the suit land comprised in Khata Khatauni No.13/14, Khasra No.97, Kita1, measuring 0-59-25 hectares, situated at mauja Mohal Bhanta Patwar Circle Sarain, Tehsil Chopal, District Shimla, H.P., during the pendency of the suit. It is clarified that this order has been passed only for the purpose of the grant of

interim and the same shall have no bearing as far as the final adjudication of the Civil Suit is concerned. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

October 14, 2025
(Vinod)