2026:UHC:171

# HIGH COURT OF UTTARAKHAND AT NAINITAL

**Writ Petition Misc. Single No. 21 of 2026**

**06 January, 2026**

Karodimal Deceased & another

--Petitioners

**Versus**

Soma Devi & another

--Respondents

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Presence:-
Mr. Avidit Noliyal, learned counsel for the petitioners.

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**Hon'ble Pankaj Purohit, J. (Oral)**

By means of present writ petition, petitioners have sought the following reliefs:-

> *(i) Issue a writ, order or direction for the modification of order dated 07.05.2022 (contained as Annexure No.1 to this writ petition) passed by 1st Additional District Juge, Haridwar for not submitting the decreetal amount passed in the Civil Suit No.226/2011 during the pendency of Civil Appeal No.27 of 2022.*
>
> *(ii) Issue writ order or direction for the immediate stay of the order dated 16.12.2023 (contained as Annexure No.4 to this writ petition) passed by 1st Additional District Judge, Haridwar and entire execution proceedings in Execution Case No.17 of 2024, pending before the Civil Judge (Senior Division) Haridwar.*

2. It is the case of the petitioners that the dispute pertains to immovable property bearing House No. 2083, situated near S.M.J.N. Degree College, Govindpuri, Haridwar. A civil suit in respect of the said property came to be decided in favour of the private respondents by judgement and decree dated 07.05.2022. Aggrieved thereby, the petitioners preferred a civil appeal before the First Appellate Court. By order dated 20.05.2022, the appellate court admitted the appeal and granted interim protection, subject to the condition that the entire decretal

amount be deposited before the executing court. Subsequently, on 16.12.2023, the appellate court vacated the interim order and reiterated the direction for deposit of the decretal amount. Consequent thereto, execution proceedings were initiated. The petitioners submitted that execution notices were not duly served, that recovery proceedings were pressed in haste, and that a restoration application filed in the execution proceedings is still pending. Hence, this writ petition.

3. Learned counsel for the petitioners contended that the impugned order vacating interim protection has resulted in grave prejudice to the petitioners, as they are being compelled to deposit the entire decretal amount even though their civil appeal is still pending. It is further argued that the execution proceedings were initiated in a clandestine manner and that the petitioners were deprived of an effective opportunity of hearing. According to the petitioners, the notices in execution were either not served or were manipulated.

4. Having heard learned counsel for the petitioners and upon perusal of the material on record, this Court is of the considered view that the writ petition is devoid of merit. No jurisdictional error or perversity has been demonstrated so as to warrant interference under Article 227 of the Constitution of India. It is well settled that supervisory jurisdiction cannot be invoked to circumvent lawful orders of civil courts or to stall execution proceedings. Accordingly, the present writ petition is dismissed in-*limine*.

5. Pending application, if any, stands disposed of accordingly.

**(Pankaj Purohit, J.)**
06.01.2026

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