SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/448/2026 Jitendra Kumar Saini --Appellant **Versus** Padam Kumar and others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Vijay Bhatt, learned Senior Counsel, assisted by Mr. Afsar Ahmed, learned counsel for the appellant. 2. Mr. Jitendra Chaudhary, learned Senior Counsel, assisted by Mr. Ayush Tyagi, Mr. Krishna Sharma, Mr. Siddhant Tiwari, Ms. Sadaf, learned counsel for respondent no.1-wirt petitioner. 3. Mr. J.C. Pande, learned Standing Counsel for the State/respondent nos.2, 3 and 4. 4. Mr. Rajendra Singh Azad, learned counsel for respondent nos. 5 & 6 through *video conferencing.* 5. Mr. V.P. Bahuguna, learned counsel for respondent no.7. 6. This intra-court appeal is directed against interim order dated 12.10.2026 passed by learned Single Judge in Writ Petition (S/S) No.3138 of 2026. 7. Chapter VIII Rule 5 of the High Court Rules read as under: *"5. Special Appeal.- An appeal shall lie to the Court from a judgment (not being a judgment passed in the exercise of appellate jurisdiction) in respect of a decree or*

order made by a Court subject to the superintendence of the Court and not being an order made in the exercise of revisional jurisdiction or in the exercise of its power of superintendence or in the exercise of criminal jurisdiction or in the exercise of the jurisdiction conferred by Article 226 or Article 227 of the Constitution in respect of any judgement, order or award- (a) of a tribunal, Court or statutory arbitrator made or purported to be in the exercise or purported exercise of jurisdiction under any Uttarakhand Act or under any Central Act, with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution, or (b) of the Government or any officer or authority, made or purported to be made in the exercise or purported exercise of appellate or revisional jurisdiction under any such Act or one Judge."

8. Perusal of the aforesaid provision reveals that intra-court appeal is maintainable only against the final judgment. Since the appellant has challenged the interim order and there are no trappings of finality attached to the said order, therefore, we decline to interfere in the matter. The intra-court appeal is dismissed as not maintainable. The appellant shall be at liberty to move application for vacation/modification of the interim order and the application, if made, shall be considered as per law.

(Subhash Upadhyay, J.)
03.11.2026

(Manoj Kumar Tiwari, A.C.J.)
03.11.2026

Rajni/KK