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2026:UHC:10650

# HIGH COURT OF UTTARAKHAND AT NAINITAL

**Writ Petition (M/S) No. 3552 of 2026**

Sri Akaansha Khatri And Others --Petitioners

**Versus**

Shaukeen And Others --Respondents

Present:-

Mr. Piyush Garg, Senior Advocate, assisted by Mr. Raghav Singhal, Advocate for the petitioners

Mr. Arvind Vashistha, Senior Advocate assisted by Mr. Sagar Kothari, Advocate for the respondents.

## Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the order dated 12.11.2026, passed in application 206C2 filed by the petitioners in Original Suit No. 49 of 2025, Sri Shaukeen Ali Vs. Sri Priyank Kumar and others pending in the court of Civil Judge (Senior Division), Vikas Nagar, District Dhradun ("the suit"). By it, an application 206C2 filed under Section 151 of the Code of Civil Procedure, 1908 ("the Code") by the petitioner has been listed for hearing on the date fixed and *status quo* order was not passed.

2. Heard learned counsel for the parties and perused the record.

3. The respondents filed the suit seeking permanent injunction with regard to Khatauni No. 511, Khasra No. 590 A, admeasuring 0.3880 hectares, situated in Village Shishambada, Pargana Pachwadoon, Tehsil Vikas Nagar. The boundaries have been given in the schedule of the plaint of the suit. In the suit on

13.05.2025, an *ex-parte* temporary injunction was granted in favour of the respondents. Subsequent to the filing of the suit, the petitioner nos. 2 to 6 also filed another civil suit with regard to their property seeking injunction, which was registered as Original Suit No. 53 of 2025, Sri Umed Singh and others Vs. Sri Sabir Ali and others, in the court of Civil Judge (Senior Division), Vikas Nagar, District Dehradun ("the subsequent suit") with regard to the property as scheduled in the subsequent suit. In the suit, the petitioners moved an application under Section 151 of the Code on the ground that under the garb of injunction order dated 13.05.2025, the respondents are encroaching upon the property of the petitioners by demolishing the boundary wall etc. On the 12.11.2026, when the application was filed the court listed it for hearing on 08.12.2026.

4. Learned Senior Counsel appearing for the petitioners submits that the purpose of filing an application under Section 151 of the Code would become infructuous, if immediately any order is not passed because the respondents are adamant to encroach upon the property pertaining to the petitioners by demolishing the construction raised therein. He submits that till the date fixed, the parties may be directed to maintain *status quo* with regard to the property in the suit.

5. Learned Senior Counsel appearing for the respondents submits that the application under Section 151 of the Code is not maintainable in view of the fact that in the subsequent suit, the petitioners have already filed an application under Order 39 Rule 1 and 2 of the Code. But, he submits that the application filed by the petitioners under Section 151 of the Code is listed for hearing on 08.12.2026. Till then, the parties shall maintain *status quo*.

6. The Court takes on record the statement made by the learned Senior Counsel for the respondents.

7. The writ petition is disposed of with the direction that till 08.12.2026, the parties shall maintain *status quo qua* the property in dispute. On that date, the application filed by the petitioners under Section 151 of the Code shall be taken up for hearing.

8. The application under Section 151 of the Code filed by the petitioners in the suit as well as application filed by the petitioners in the subsequent suit under Order 39 Rule 1 and 2 of the Code shall be decided on their own merits without being effected by any part of this order.

(Ravindra Maithani, J.)
19.11.2026

Jitendra