

HIGH COURT OF UTTARAKHAND, AT NAINITAL

Writ Petition No.1531 of 2010 (M/S)

Shiv Charan Singh	...	Petitioner
	Versus	
Rajendra Singh & others		Respondents

AND

Writ Petition No.1530 of 2010 (M/S)

Rajendra Singh	...	Petitioner
	Versus	
Shiv Charan Singh & others		Respondents

Dated:- 31st August, 2010

Hon'ble Tarun Agarwala, J.

Heard Mr. Jitendra Chaudhary, the learned counsel for the petitioner.

The interim order granted by the lower appellate court was vacated by an order dated 26th June, 2010 on the ground that the applicant had not taken steps to serve some of the opposite parties. The petitioner, being aggrieved, has filed the present writ petition.

The learned counsel for the petitioner contended that the main contesting party, namely, respondent nos.3 to 6 had already appeared and filed their objections and that the petitioner had already moved an application to take steps to serve Sri Satendra Goel, who was the only opposite party and who had not been served. Consequently, the court below should not have vacated the stay and should have granted one more opportunity.

Considering the fact that the petitioner has not taken steps for which he is alone to be blamed, this court is not inclined to interfere in the impugned order at this stage. The writ petition is dismissed. However, in the event, the petitioner takes steps to serve the unserved opposite parties before the court below and, thereafter, files a fresh stay application, the same would be

considered and disposed of in accordance with law by the court below.

(Tarun Agarwala, J.)

Dated 31.08.2010
LSR