

**WPMB No.1072 of 2006**

**Hon'ble Prafulla C. Pant, J.**

**Hon'ble Servesh Kumar Gupta, J.**

Mr. Rakesh Thapliyal, Advocate for the petitioner.

Mr. Vinay Kumar, Advocate for respondent nos.1 and 2.

Mr. D. Barthwal, Advocate for respondent no.4.

This is delay condonation application no.10410/2011 for the condonation of delay in moving the modification/clarification application no.735/2011.

The delay condonation application is allowed. Delay is condoned.

Heard on the modification/clarification application no.735/2011 whereby the order dated 25.8.2006 r/w order dated 19.9.2006 passed in WPMB No.1072/06, is sought to be clarified.

By order dated 19.9.2006, the writ petition was disposed of leaving the parties to agitate their rights in the suit no.39 of 2003, Kasim Vs. Nagar Nigam, Dehradun pending in the court of Civil Judge (J.D.) Dehradun.

This Court in its order dated 25.8.2006 had granted an interim stay order that the petitioner shall not be dispossessed from the land in dispute.

Learned counsel for the parties stated that the said suit has already been decided by the trial court and appeal is pending. It is clarified that the interim order dated 25.8.2006 stands automatically terminated on the date the trial court disposed of the suit, as is apparent from the order dated 19.9.2006, and that the interim order dated 25.8.06 was to operate only till the disposal of the suit by the trial court.

With the above observations, the recall application MCC. No.735/11 stands disposed of.

**(Servesh Kumar Gupta, J.) (Prafulla C. Pant, J.)**

30.9.2011

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