

WPMS No.153 of 2012
Hon'ble V.K. Bist, J.

(Urgency Application No.484 of 2012)

Heard Shri Amish Tewari, learned counsel for the petitioner.

Urgency application is allowed.

WPMS No.153 of 2012

Heard.

The respondent filed a civil suit for permanent injunction against the petitioner. The respondent also filed an application under Order 39 Rule 1 and 2 C.P.C. for temporary injunction. The said application was dismissed on 21.12.2011. Aggrieved by the said order, the respondent preferred an appeal before the District Judge Nainital. In the aforesaid appeal, the respondent also moved an application under Order 39 Rule 1 and 2 C.P.C. for interim injunction. On 23.12.2011, the said appeal was admitted and 01.02.2012 was fixed for disposal of interim injunction application and the parties were directed to maintain status quo. Aggrieved by the said order, the present writ petition has been filed by the petitioner.

The contention of the learned counsel for the petitioner is that by the status quo order, the petitioner has been restrained from constructing the sewer connection of his house. Learned counsel for the petitioner submitted that petitioner apprehends that the status

quo order will continue to prevail for long period and the petitioner will be unnecessarily harassed.

After considering the submission of the learned counsel for the petitioner and after going through the material available on record, the writ petition is disposed of with a direction the learned District Judge Nainital to decide the Misc. Civil Appeal No.33 of 2011 "Vishal Vs. Devendra Singh" expeditiously, preferably within a period of one month from the date of production of a certified copy of the order.

Interim relief application (CLMA No.614/2012) also stands disposed of.

(V.K. Bist, J.)
Vacation Judge
27.01.2012

Arpan