

WPMS No. 2977 of 2015

**U. C. Dhyani, J.**

Mr. Devesh Ghildiyal, Advocate present for the petitioner.

By means of present writ petition, the petitioner seeks to issue a writ, order or direction in the nature of certiorari quashing the order dated 21.11.2014 (annexure no. 1) passed by Civil Judge (JD), Dehradun in Original Suit No. 375 of 2014 with regard to refusal to grant ad interim injunction in favour of the petitioner. A further prayer has been made to issue a writ, order or direction in the nature of certiorari quashing the order dated 05.11.2015 (annexure no. 2) passed by Additional District Judge VI in M.C.A. No. 140 of 2014.

The plaintiff (petitioner herein) filed a suit for permanent prohibitory injunction, in which an application for temporary injunction application was also filed. The trial court, vide order dated 21.11.2014, observed that it will not be appropriate to pass any *ad interim* injunction, without notices to the defendants. The same order was challenged in misc. civil appeal. Misc. civil appeal was also dismissed, hence the present writ petition.

There are concurrent findings of two courts below. The controversy in hand is covered by a judgment rendered by this Court in ***Mrs. Himani Pande & Another vs. State of Uttarakhand & Others, 2015 (1)U.D., 693.***

In the peculiar facts and circumstances of the case, no interference is called for in the impugned order. Learned trial court is however, directed to expedite the disposal of temporary injunction application, which is pending adjudication before the said court, at an earliest possible, preferably before the advent of Christmas vacations.

Writ petition is disposed of at the admission stage itself.

**(U. C. Dhyani, J.)**

30.11.2015