
(2024) 12 UK CK 0063

Uttarakhand High Court

Case No: Civil Revision No. 9 Of 2021

Gilsharan Kaur

APPELLANT

Vs

Akhil Kumar

RESPONDENT

Date of Decision: Dec. 12, 2024

Hon'ble Judges: Vivek Bharti Sharma, J

Bench: Single Bench

Advocate: Aditya Singh, Piyush Garg

Final Decision: Dismissed

Judgement

Vivek Bharti Sharma, J

1. This civil revision is filed with the prayer to stay the effect and operation of the impugned order dated 23.01.2021 passed by the court of learned

IVth Additional Civil Judge (Senior Division), Dehradun in O.S. No. 138 of 2012 *“Akhil kumar vs. gilsharan kaur & others”*, whereby, the

trial court had allowed the amendment application of the respondents/plaintiffs on the cost of Rs.2,000/-.

2. As per the record, brief facts of the case are that the respondents/plaintiffs filed Original Suit No. 138 of 2012 on 16.05.2012 seeking a decree of

permanent injunction to restrain the revisionists/defendants from interfering in the peaceful possession of the property in question claiming himself the

absolute owner of the same; that, on issuance of notice the revisionist appeared before the trial court and filed written statement, however, after filing

of the suit, the revisionists/defendants allegedly took possession of part of the suit property forcefully on 01.06.2012; that, therefore, the

respondents/plaintiffs filed an amendment application seeking addition in the plaint for possession of the property in question; that, the

revisionists/defendants filed objection to the same; that, the trial court vide order dated 23.01.2024 had allowed the said amendment application.

Hence, this civil revision.

3. Heard learned counsel for the parties at length on the facts and law.

4. Perusal of the present revision shows that the prayer is made by the revisionist only to stay the effect and operation of the impugned order

dated 23.01.2021, however, there is no prayer to set aside the said impugned order dated 23.01.2021.

5. In the considered view of this Court, effect and operation of any order cannot be stayed until and unless there is prayer for setting aside the same

on the grounds of illegality, incorrectness, impropriety etc. in the impugned order. Since no such prayer is made, therefore, this revision is

misconceived, hence, liable to be dismissed.

6. Accordingly, the present civil revision is dismissed in limine.