

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPCRL No. 775 of 2024</p> <p><u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u></p> <p>Mohd. Matlub, Advocate for the petitioners.</p> <p>2. Mr. J.S. Virik, Deputy Advocate General with Mr. Rakesh Kumar Joshi, Brief Holder for the State of Uttarakhand/applicant.</p> <p><u>Recall Application (MCRC No. 2 of 2024)</u></p> <p>3. Petitioners had filed this writ petition for protection, as they were apprehending harm at the hands of parents and brother of petitioner no.1, who allegedly were annoyed by her relationship with petitioner no.2. The writ petition was finally disposed of vide order dated 18.07.2024, whereby the police authorities were directed to provide protection to the petitioners for a period of six weeks and thereafter to reassess the threat to the petitioners and to take such measures, as are deemed necessary. While disposing of the writ petition, submission made by learned State Counsel, based on the Uniform Civil Code, Uttarakhand, 2024, were noted in paragraph nos.3 & 4 of the final order dated 18.07.2024.</p> <p>4. Today, the matter is listed on an application filed by learned State Counsel, in which it is mentioned that although Her Excellency the President of India has given assent to Uniform Civil Code, Uttarakhand, 2024, however, the said Act has not come into force as yet, as no notification, in terms of Section 1(2) of Uniform Civil Code, Uttarakhand, 2024, has been issued by the</p>

State Government. Learned State Counsel, thus, submits that the final order dated 18.07.2024 be either recalled or modified by expunging paragraph nos.3 & 4 thereof, in which submissions made by learned State Counsel were noted.

5. Learned counsel for petitioners submits that he has no objection to the prayer for modification made by learned State counsel in view of peculiar facts of the case, however, he has objection against prayer for recall made by learned State Counsel, as by the final order dated 18.07.2024, petitioners were granted protection for a period of six weeks.

6. Learned State Counsel then submits that although the application is styled as recall application, however, in the prayer clause of the application, modification of the order is also sought. He further submits that the application be treated as modification application.

7. Learned counsel for the petitioners then submits that, in view of submission made by learned State Counsel, paragraph no.5 of the final order also deserves to be expunged, as whatever submission was made by the petitioners, was based on the submission made by learned State Counsel.

8. Having regard to the facts and circumstances of the case, as discussed above, MCRC No.2 of 2024 is allowed and paragraph nos. 3, 4 & 5 of the final order dated 18.07.2024, which are based on submission made by learned State Counsel, are scored off.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
29.07.2024

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