

IN THE COURT OF 3RD ADDITIONAL MUNSIFF SRINAGAR

Date of Institution
01-10-2022

Date of Order
06/05/2024

CNR NO
JKSG-020046732022

In the case of :

Mst. Fatima Begam D/o Mohammad Ibraheem
W/o Ghulam Ahmad Wani R/o Shaltang Mustafa-Abad Srinagar
(Plaintiff)

V/S

Tahira Bano D/o Ghulam Ahmad Wani
R/o Sultanpora Tehsil Pattan Baramulla
(Defendant)

In the Matter of: **Suit for Injunction**

Present: **MR. MONEER AHMAD**

JO CODE JK00227

J U D G M E N T

1. Suit has been filed seeking a decree of injunction restraining the defendant from causing any sort of interference in the legal and peaceful possession of the plaintiff over the suit property along with any other decree or order which this court deems fit and proper in the facts and circumstances of the case.
2. The grounds as taken for the reliefs sought are that the plaintiff is the owner in possession of land measuring 11 Marals falling under Survey No.1 situated at Sheltang Tehsil and District Srinagar which she has purchased out of her own money and with proper sale deed and the plaintiff has constructed a single storied house and is living there for the last more than 15 years along with family including husband and two sons and daughter. That the defendant is step daughter of the plaintiff and is living at Sultan-Pora Pattan and is harassing the plaintiff under the pretext that she has a share in the suit property and is using different agencies for her ill motivated designs and is creating problems for the plaintiff and is humiliating her in the society.

3. That the plaintiff has approached respectable of the society as well however the defendant has not paid any heed towards their requests and is hell-bent to get two rooms as share out of the suit property. The defendant has also approached police and is threatening and harassing the plaintiff. Cause of action accrued few days back when the defendant with some muscle power persons tried to interfere into the property.
4. After the suit was filed the defendant was called through summons and this court after being satisfied that the defendant despite notice/summons has failed to appear proceeded ex-parte against the defendant and the plaintiff was asked to lead evidence in ex-parte.
5. The plaintiff has filed four witness affidavits in support of her case. The witnesses who have sworn affidavits are the plaintiff herself, the husband of the plaintiff Namely Ghulam Ahmad Wani (the father of the defendant), Noor Din Wani S/o Ghulam Mohammad Wani R/o BARzaull Baghat and Tafazul Ahmad Wani S/o Ghulam Ahmad Wani R/o Sheltang Srinagar.
6. The plaintiff has in her affidavit reiterated whatever has been submitted in the suit and the witness Ghulam Ahmad Wani who is the husband of the plaintiff and father of the defendant has also reiterated whatever has been said by the plaintiff in the plaint.
7. The brief resume of the testimony as made by the said Ghulam Ahmad Wani is as under:
 - I) That the plaintiff is my wife, she is the owner and in possession of land measuring 11 Marla falling under Survey No. situated at Mause Shaltang Tehsil Central Shaltang District Srinagar. Over the said piece of land, the plaintiff have constructed her single storied house where she is living last fifteen years, with her family which includes me (her husband), two sons and daughter. That the defendant who is my daughter is living at Sultanpora Pattan with her mother (divorce). The

defendant is harassing plaintiff on the pretext that the (defendant) has share out of the above mentioned property and is using different agencies by one pretext or by the other, and is all time creating problems to the plaintiff. The plaintiff has purchased this land out of her own pocket with proper sale deed and has inter it into a revenue record in her own name, she has constructed the house over it out of her own money. She has three children including two sons and one daughter. She approached the respectful persons of the society with the request that defendant is her step-daughter she has no right upon my property as such she be restrain from causing interfering into her land, but defendant did not pay any attention towards her request. The plaintiff left with no option but to approach this court for the protection and enforcement of my legal right. As such now she need justice form this court.

8. Since rest of the plaintiff's witnesses have also deposed and reiterated whatever has been deposed by the witness Ghulam Ahmad Wani, as such for the sake of brevity the same is not repeated.
9. I have heard the ld. Counsel for the plaintiff, perused the material on the record including the copy of the registered sale deed and given my thoughtful and anxious considerations to the matter in hand.
10. All the witnesses have deposed that the plaintiff is the owner in possession of the suit property falling under Survey No. 1 measuring 11 Marals and that the same has been purchased by the plaintiff out of her own money. As such it is proved that the plaintiff is the owner in possession of the suit property.
11. Further since all the witnesses have deposed that the defendants harassing the plaintiff and is seeking share out of the suit property and is using a different agencies to harass the plaintiff and since the suit property belongs to the step-

mother of the defendant, the defendant cannot ask for any share out of the property belonging to her step-mother/ the plaintiff and this implies that the interference of the defendant into the suit property and seeking share out of the suit property is unjustified for which she needs to be restrained by appropriate orders.

12. As such for the reasons decree of prohibitory injunction is hereby passed in favour of the plaintiff and against the defendant whereby the defendant is permanently restrained from interfering into the peaceful possession and occupation of the suit property measuring 11 Marals falling under Survey No. 1 of Revenue Estate Shaltang Srinagar.
13. No order as to the costs as the same has not been prayed for.
14. The file accordingly stands disposed of, shall be consigned to records after due compilation.

Announced
06.05.2024

Third Additional
Munsiff Srinagar