

IN THE COURT OF MUNSIFF BUDGAM

Case file No. 1632/2022

CNR No. JKBG020011632022

Date of Institution: 10-10-2022

Date of Decision:- 06-12-2022.

Suit for Permanent & Mandatory Injunction, titled:

Jalal-ud-din Malik Alias Ghulam Qadir Malik
S/o Ghulam Mohammad Malik
R/o Bonapora, Soibugh, Budgam, Kashmir

Plaintiff

Through Adv. Syed Tanveer

V/s

1. Ali Mohammad Shah
S/o Late Kabir Shah
2. Mohammad Ramzan Shah
S/o Ali Mohammad Shah
3. Farooq Ahmad Shah
S/o Ali Mohammad Shah
4. Ghulam Nabi Shah
S/o Ali Mohammad Shah
5. Abdul Rashid Shah
S/o Ali Mohammad Shah
All Residents of Bonapora, Soibugh
District Budgam

Defendants

Present in person.

PRESENT: FARAH BASHIR, UID NO: JK00271.

JUDGMENT

1. The case at hand has been taken up for hearing today. Perusal of the case file shows that same had been listed on 02-12-2022 for submission of a compromise which has been entered into between the parties. The compromise has been filed on the said day and the statement of the parties to that effect has been recorded and is part of the case file.
2. Perusal of the case reveals that the suit came to be filed before this court by the plaintiff stating that he is owner in possession of two stored residential house along with land appurtenant and beneath thereto

measuring **01 Kanal approximately, falling under survey No. 456 situated at Bonapora, Soibugh, Budgam** and copy of the revenue extract is annexed with the plaint. It is further submitted in the plaint that adjacent to the house and land of the plaintiff and defendants are also having land measuring 03 Marlas approximately where they have constructed a structure in order to store grains and other agricultural items. Now the grievance of the plaintiff was that the defendants without obtaining a proper permission and without leaving any setbacks were bent upon to install a big digital Rice Mill in their own land adjacent to the land of the plaintiff, knowingly fully well that the area is a residential place and not a commercial area. The plaintiff grievance further was that the said Rice Mill would cause air and noise pollution besides vibration whereby he had the apprehension that the residential house of the plaintiff would get damage or collapsed.

3. Accordingly the plaintiff had filed the present suit seeking a decree permanent injunction whereby the defendants would be permanently restrained from installing the said digital Rice Mill situated at Bonapora, Soibugh, Budgam, besides a decree of mandatory injunction directing the defendants to lift iron or any other material which the defendants have allegedly brought from the said installation of Rice Mill adjacent to the house of the plaintiff.
4. After putting the defendants to notice, they cast their appearance in person and soon after both the parties submitted before the court that they wish to end the litigation mutually by way of an amicable settlement. Accordingly on 02-12-2022 both the parties submitted a joint compromise regarding the dispute, the terms whereof are as under:-
 - a) *That the defendants shall now change the place of installation of the Rice Mill to the other of their land which shall be away from the house of plaintiff and shall not run the business of two Rice Mills but only one Rice Mill.*
 - b) *That the defendants shall close the back window of the said Rice Mill permanently as agreed by the parties.*
 - c) *That after the installation of the Rice Mill at a different place, the plaintiff shall not interfere into the said business.*
 - d) *That both parties abide by the terms and conditions of the compromise which has been explained and read over to them and upon which they have put their signatures / thumb impression.*
5. Statement of both the parties to that effect have been recorded and made part of the case file.
6. Viewed thus the present suit is disposed of in terms of the said compromise. Office is directed to draw a decree sheet in accordance thereof.
7. Suit accordingly disposed of as such along with all connected applications. Be consigned to records after due compilation under rules.

Announced: 06-12-2022.

Munsiff Budgam