

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

CM(568/2026) in CR 4/2026  
CM(569/2026).

Saira Malik.

...Applicant(s)/Petitioner(s)

Through: Mr. Zakir Mehmood Khateeb, Advocate.

**VERSUS**

Sana-ul-llah Sheikh.

...Respondent(s)

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.**

**ORDER**  
**12.02.2026**

01. Heard learned counsel for the petitioner.

02. The petitioner- Saira Malik figures as defendant No. 5 in a civil suit preferred by the respondent- Sana-ul-llah Sheikh before the Court of Munsiff, Chadoora.

03. In said suit, there are five defendants with the petitioner figuring as defendant No. 5.

04. The suit has been filed for declaration and injunction to the effect that the respondent be declared as the lawful, exclusive, absolute owner in possession and title holder of the suit land measuring **3 kanals 9 marlas** comprising survey **No. 1222 (222- Min)**, Khata **No. 945** and khewat **No. 489** situated at Mauza Khanihama, B. K. Pora District Budgam and for restraining perpetually the defendants from causing any kind of interference whatsoever with the possession and ownership of the respondent vis-à-vis the suit land.

05.The institution of the suit has taken place on **07.10.2021**.

06. Accompanying the civil suit, the respondent preferred an application for grant of temporary injunction under Order 39 rules 1 and 2 of the Code of Civil Procedure, 1908.

07. In terms of an *ex-parte* ad-interim order dated **07.10.2021**, the Court of Munsiff, Chadoora had first temporarily restrained all the defendants from making or causing any sort of interference with the peaceful possession of the suit property of the respondent.

08. The defendants No. 1 to 4 came forward with their joint written statement as well as objections to the temporary injunction application filed by the respondent, whereas the petitioner, being the defendant No. 5, came forward with her own written statement and also objections to the temporary injunction application.

09.The Court of Munsiff, Chadoora, by virtue of order dated **22.11.2021** passed in **Misc. Application No. 506/2021**, directed the parties to the suit to maintain *status quo* at the spot till the final disposal of the suit. The status quo was also directed to be maintained with respect to the title, nature, and possession of the suit land.

10. Aggrieved of adjudication so carried out with respect to application under Order 39 rules 1 and 2 of the Code of Civil Procedure, 1908, which adversely affected her purported position and status vis-à-vis the suit property claimed by the petitioner to be owned and possessed by her in her own right, the petitioner preferred an appeal under Order 43 rule 1(r) of the Code of Civil Procedure, 1908 before the Court of Additional District Judge, Budgam.

11. Said appeal has come to be dismissed leaving the petitioner aggrieved to come forward with the present petition under Section 115 of the Code of Civil Procedure, 1908 invoking the revisional jurisdiction of this Court to examine the legality and validity of said two adjudications made by the trial court as well as the appellate court, in terms whereof, the petitioner reckons that she, being the owner in possession of the suit property, has been put in a fix with the respondent as being the suitor free to enjoy the benefit of the *status quo* being neither in possession nor in any sort of legal relationship with the suit property.

12. Since period of (90) days is prescribed for filing a civil revision before this Court under the Jammu and Kashmir and Ladakh High Court Rules, 1999 and the present revision petition has been filed beyond the prescribed period, the petitioner through medium of application- **CM No. 568/2026** is seeking condonation of delay.

13. When confronted by this Court that the impugned orders are not amenable to the revisional jurisdiction of this Court, the learned counsel for the petitioner makes an oral plea that the present petition be treated as a petition under Article 227 of the Constitution of India for the purpose of exercising supervisory jurisdiction which is akin to revisional jurisdiction aimed with the purpose of examining the legality and validity of the orders passed by the Courts subordinate to the jurisdiction of this Court. The plea of the learned counsel for the petitioner is accepted. The present petition is to be treated as the petition under Article 227 of the Constitution of India.

14. Issue notice to the respondent.

15. Notice in **CM No. 569/2026** also.

16. Service of notice upon respondent to take place through the Tamilat section of the Principal District Judge, Budgam.

17. Petitioner to procure dasti summons from the Registrar Judicial, Srinagar within a period of next three days and deliver the same to the Tamilat section of Principal District Judge, Budgam wherefrom a process server be deputed for effecting service of summons and return the process by next date of hearing.

18. List on 27<sup>th</sup> February, 2026.

19. In the meantime, the Registrar Judicial, Srinagar is directed to get the scanned record of the civil suit titled **“Sonaullah Sheikh Vs. Shahnawaz Ahmad Rather and Ors.”** from the Court of Munsiff Chadoora and the scanned record of Civil Misc. Appeal titled **“Sahira Malik Vs. Sanaullah Sheikh”** from the Court of Additional District Judge, Budgam.

(RAHUL BHARTI)  
JUDGE

**SRINAGAR**  
**12.02.2026**  
*Bisma Jan.*