

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

**CM(M) 133/2026
CM(2246/2026)**

Mohammad Yousuf Rather , Age 59 Years

S/O Mohammad Abdullah Rather

R/O Mitrigam Pulwama.

...Appellant(s)/Petitioner(s)

Through: -

Mr. Mudasir Bin Hassan, Advocate.

V/s

Ali Mohammad Rather

S/O Mohammad Abdullah Rather

R/O Mitrigam, Pulwama.

... Respondent(s)

Through:-

None.

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

24.04.2026

01. Petitioner, through the medium of this petition, under Article 227 of the Constitution of India, invoking supervisory jurisdiction of this Court, seeks quashment / setting aside of the proceedings of the suit titled "*Ali Mohammad Rather vs. Mohammad Yousuf Rather*", pending before the Court of Munsiff at Pulwama, on the ground that the suit filed by the respondent/plaintiff against the petitioner/defendant is not maintainable in view of the fact that the property regarding which the suit for injunction has been filed is owned by the mother of the parties and not by either of the parties.

02. Learned counsel for the petitioner submits that the petitioner as defendant has moved an application under Order VII Rule 11 of the Code

of Civil Procedure, 1908, seeking rejection of the plaint, on 11th of March, 2026 and that the Trial Court has not decided the said application so far.

03. The petitioner, however, has failed to place on record the objections, if any, filed by the other side to the application filed before the Trial Court or the minutes of proceedings of the Trial Court, on record, so as to take a view as to why this application has been delayed for its disposal by the Trial Court.

04. Be that as it may, since the application for rejection of plaint has already been made by the petitioner/defendant before the Trial Court, it will not be in the interest of justice to entertain this petition for any further proceedings, till the application is decided by the Trial Court.

05. The petitioner/defendant shall be well advised to pursue his case before the Trial court for disposal of the application. The Trial Court, however, is requested to dispose of the application expeditiously, preferably within a period of one month from the date of this order.

06. This petition is, thus, dismissed in limine, having been filed without any cause of action, along with all pending application(s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
April 24th, 2026
"Shoaib Javid"