

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

Case:- CM(M) No. 06/2026

Sabha Sheikh

.....Petitioner

Through: Mr. M. Nadeem Bhat, Advocate

Vs

Dilshada Sheikh & Ors.

.....Respondent(s)

Through: Mr. Aseem Kumar Sawhney, Sr. Advocate with
Ms. Tehseena Bukhari, Advocate for R- 1 to 3.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(08.05.2026)

1. The Court of learned Sub-Judge, Jammu, by virtue of an order dated **18.03.2025** in a civil suit preferred by the petitioner herein against the respondent Nos. 1 to 3 herein, has dismissed temporary injunction application under Order 39/rule 1 & 2 of the Code of Civil Procedure, 1908 against which the plaintiff/petitioner herein preferred a civil miscellaneous appeal on file **No. 53/2025** before the Court of Additional District Judge, Jammu and by virtue of an order dated **03.12.2025** said appeal also came to be dismissed holding that the same does not have any merit.

2. At the time of institution of the suit, the Court of Sub-Judge, Jammu, by virtue of an order dated **10.09.2024** had temporarily restrained the respondent Nos. 1 to 3 herein from creating any third party interest with respect to suit property which being a land measuring **1 kanal 12 marlas** comprised in khasra **No. 345** along with two storied residential house situated

at Jullaka Mohalla, Jammu, with respect to which the petitioner sought declaration for being declared as owner and for permanent prohibitory injunction restraining the respondents from interference and from making and creating third party interest. The petitioner also pleaded for mandatory injunction and for partition of the suit property by metes and bounds amongst herself and the respondent Nos. 1 & 3 in equal shares.

3. Upon passing of an order dated **03.12.2025** by the Additional District Judge, Jammu, the defendant No.1- Dilshada Sheikh, who was respondent No. 1 in said miscellaneous appeal before the Court of Additional District Judge, Jammu, came forward with lodging of a caveat filed on **06.12.2025** by specific reference to an order dated **03.12.2025** of the Court of learned Additional District Judge, Jammu with a copy of the caveat addressed to the petitioner through registered post against the address by reference to which the petitioner has come forward with the present petition.

4. The petitioner came forward with present petition under article 227 of the Constitution of India on **12.01.2026** but an omission on the part of the Filing Counter of this Court in annexing copy of caveat along with present petition resulted in the petition coming up for consideration without any caveat accompanying therewith resulting in passing of an interim direction in terms of an order dated **15.01.2026** by directing parties not to create any third party interest with respect to the subject matter of the petition.

5. It is this turn of events which left the respondents No. 1 to 3 aggrieved by an act of court prejudicing their caveat.

6. This Court has prejudiced the respondents, in particular, the respondent No. 1 who had lodged the caveat.

7. It is a settled position of law that an act of court shall prejudice no one.

8. As such, this Court is left with no other option but to recall the direction as given in order dated **15.01.2026** with respect to third party interest creation qua suit property and, as such, said direction is hereby recalled.

9. Let the case be listed for consideration of **CM No. 885/2026** filed by the petitioner to which the respondents No. 1 to 3 shall file their objections by or before the next date of hearing.

10. List on **15.05.2026**.



(RAHUL BHARTI)
JUDGE

JAMMU
08.05.2026
Sneha