

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

**WP(C) No. 1088/2022
CM No. 3256/2022**

Iqbal Singh

.....Petitioner

Through: Mr. P.N. Raina, Sr. Advocate with
Mr. J.A. Hamal, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through: Ms. Mrinal, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG for R-1 & 2
Mr. Arun Dev Singh, Advocate vice
Mr. Pranav Kohli, Sr. Advocate for R-3 to
5
Mr. Vishal Kapur, Advocate for R-8

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

ORDER
(12.11.2025)

सत्यमेव जयते

- 01.** Before the petitioner came forward with the institution of this writ petition on 17.05.2022 being aggrieved of registration of FIR No. 202/2021 dated 15.07.2021 registered by the Police Station, Gandhi Nagar, Jammu at the instance of the respondent No. 6-Dr. Shveta Mahajan, with respect to a property of 41-B, Block-B, Ward No. 20, Gandhi Nagar, Jammu alleging commission of offences by the petitioner along with three others under Sections 447/323/354/506/34 of Indian Penal Code, the respondent No. 6-Dr. Shveta Mahajan in her purported

capacity as being the purchaser of the property of House No. 41-B, Block-B, Ward No. 20, Gandhi Nagar, Jammu, has preferred a civil suit for mandatory injunction against the petitioner thereby seeking a decree of mandatory injunction upon the petitioner for vacating the property of House No. 41-B, Block-B, Ward No. 20, Gandhi Nagar, Jammu. The suit was filed by respondent No. 6-Dr. Shveta Mahajan, is before the court of 2nd Additional Munsiff, Jammu.

02. The verification of the plaint is purported to be of 27th day of July, 2021 whereas the registration of the FIR is of 15.07.2021 meaning thereby as per the respondent No. 6's own showing the premises of the House No. 41-B, Block-B, Ward No. 20, Gandhi Nagar, Jammu was in possession of the petitioner wherefrom the petitioner was sought to be evicted by the respondent No. 6 through the medium of a civil suit for mandatory injunction whereas in the FIR the version with respect to occupation of the property in reference by the petitioner is different.

03. The respondent No. 6-Dr. Shveta Mahajan, pursuant to her service in the present writ petition, came to cause appearance through Advocate Mr. Ashfaq Ahmed Khan and also Mr. Rupak Ratta, Advocate as is borne out from the vakaltnama dated 26.09.2022, however, the

respondent No. 6 opted not to file any response to the writ petition and preferred to stay away from the proceedings and accordingly, she was set ex-parte in terms of an order dated 15.09.2025.

- 04.** Before this Court proceeds further, this Court needs to send for the record of civil suit titled “**Dr. Shveta Mahajan Vs. Iqbal Singh**” from the court of learned 2nd Additional Munsiff, Jammu.
- 05.** The Registrar Judicial, Jammu is directed to requisition the said record be it if, disposed of or if still going on, from the court of learned 2nd Additional Munsiff, Jammu, which shall ensure that the record is transmitted to this Court positively by the next date of hearing.
- 06.** List on **02.12.2025**. सत्यमेव जयते
- 07.** Interim direction(s), if any, to continue till the next date of hearing.

(RAHUL BHARTI)
JUDGE

JAMMU
12.11.2025
SUNIL