

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

Case:- RFA No. 18/2024
CM No. 3032/2024
Cav No. 386/2024

Sham Lal Anand and others

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

Through: Mr. Varinder Bhat, Advocate.

Vs

Shri Ved Mandir Jammu and others

..... Respondent(s)

Through: Mr. Kuldip Raj Gupta, Advocate
Mr. Vikas Sharma, Advocate.

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

ORDER
(29.05.2024)

1. Three appellants have come forward with a civil 1st appeal against a judgment and decree dated 07.03.2024 passed by the Court of 1st Additional District Judge, Jammu in a civil suit filed No. 147/COS of 1996 filed by the respondent No. 1-Shri Ved Mandir through its President.
2. In the civil suit filed by the respondent No. 1, there were nine (9) defendants and the decree is for eviction with respect to the suit property of 2 kanal 3 marlas of land along with 15 marlas of land also.
3. Out of the nine (9) defendants, the defendant No. 2 is M/s Trikuta Group of Industries, the defendant No. 3 is Trikuta Tin Industries, the defendant No. 4 is Trikuta Industries and the defendant No. 5 is Trikuta New Service Station.
4. The appellant No. 1-Sham Lal Anand is referring himself to be partner of M/s Trikuta Group of Industries which figures as the defendant No. 2 in the suit, the appellant No. 2-Vijay Anand is referring himself partner of the Trikuta

Tin Industries and appellant No. 3-Deep Mala is also referring herself as partner of Trikuta Tin Industries meaning thereby out of nine (9) defendants, two defendants have come forward to challenge the decree for eviction whereas rest of the judgment debtors are nowhere in the scenario.

5. The respondent No. 1 is on caveat represented Mr. Kuldip Raj Gupta, Advocate assisted by Mr. Vikas Sharma, Advocate who accept notice on behalf of the respondent No. 1 and seeks time to file response.

6. No need to serve the respondents No. 2 to 5 as they are the defendants against whom decree for eviction has come but the said defendants have chosen not to be in appeal at this point of time, as such, cannot be put to service in the present appeal.

7. Send for the record of the suit file No. 147/COS from the court of 1st Additional District Judge, Jammu.

8. In the meantime, status-quo to operate only with respect to the defendants No. 2 & 3 *qua* the suit property and not with respect to the rest of the defendants in the suit against whom the decree shall remain in effect.

9. List on 20.07.2024.

(RAHUL BHARTI)
JUDGE

JAMMU
29.05.2024
Shivalee