

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

CM(M) No. 174/2024
CM Nos. 4346/2024 & 4419/2024

JameetaPetitioner

Through: Mr. P. S. Pawar, Advocate.

Vs

Gabbo Ram & Ors.Respondent

Through: Mr. Sumit Sharma, Advocate vice
Mr. Ashok Sharma, Advocate for R-1.

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

**ORDER
(06.05.2026)**

1. A civil suit came to be commenced by the petitioner/ plaintiff on file No. **48/Civil Suit of 2020** on **30.06.2020** before the court of learned Munsiff Akhnoor.
2. The suit is for permanent prohibitory injunction filed by the plaintiff/petitioner herein against the defendants/three respondents herein restraining them from dispossessing the petitioner/plaintiff from the suit land by making illegal interference into the suit land which is 6 kanals 13 marlas comprising khasra No. 831 and 16 kanals 7 marlas comprising khasra No. 833 of village Pangyari, Tehsil Akhnoor, district Jammu.
3. The petitioner's suit accompanied with an application for the temporary injunction resulted in passing of an *ex parte* ad interim order dated **30.06.2020** whereby the trial court with a recital in its order to the effect that the applicant is in possession of the suit property on the basis of the revenue documents with

respect to the suit property produced along with the suit and, therefore, found a *prima facie* case to come up with a *status quo* direction *qua* the suit property.

4. The respondents, upon their appearance in the civil suit, came up with the written statement as well as objections to the temporary injunction application but nevertheless, the counsel for the respondents in the civil suit extended his consent to the interim order dated **30.06.2020** being made absolute which led to passing of order dated **02.09.2020** making the interim direction of *status quo* in terms of order dated **30.06.2020** absolute.

5. The petitioner came forward with an application for seeking permission of the trial court to cultivate the seasonal crops with respect to the suit land which resulted in an order dated **20.01.2023** whereby the court reserved permission to cultivate the land only with respect to land measuring 6 kanals 13 marlas in khasra No. 831 which left the petitioner aggrieved as the suit land comprised in khasra No. 833 measuring 16 kanals 7 marlas was kept out of the purview of order dated **20.01.2023** and, therefore, came up with the present petition under article 227 of the Constitution of India.

6. It is now more than three years which have gone by reference to order dated **20.01.2023** and, therefore, the very purpose of the application filed by the petitioner before the trial

court has become infructuous and, consequently, the present petition is also rendered infructuous.

7. Therefore, this Court disposes of the matter with a liberty in favour of the petitioner that in case the petitioner comes to make a fresh application before the trial court for seeking indulgence with respect to cultivation operations with respect to the suit land, then said application, if any, filed by the petitioner supported with or without any current revenue record of khasra girdawari be considered on merits and disposed of said application within thirty days from the date of its filing by first inviting objections from the other side.

8. Disposed of.

9. A copy of this order be forwarded to the court of Munsiff Akhnoor for notice and compliance.

(RAHUL BHARTI)
JUDGE

JAMMU
06.05.2026

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Whether the judgment is speaking: Yes/No
Whether the judgment is reportable: Yes/No