

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

Case No.:- CM(M) No. 51/2021
c/w
CM (M) Nos. 42/2023, 196/2024 & 141/2025

Shiv Ram and ors.

.....Petitioner(s)

Through: Mr. G.S. Thakur, Advocate.

Vs

Raghubir Singh

..... Respondent(s)

Through: Mr. Ajay Bakshi, Advocate.

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

ORDER
23.07.2025

1. All these four petitions center upon a judgment and decree dated **11.06.2016** passed by the court of learned Sub Judge, Jammu in a civil suit titled "Raghubir Singh Vs. Shiv Ram and ors" on file No. 165/Civil of 2009.
2. In the said civil suit, total number of defendants were eleven (11), namely, Shiv Ram, Melo Devi, Prakash Chand, Bachno Devi, Amro Devi, Vaishnu Dass, Chaman Lal, Pushpa Devi, Bansi Lal, Partapo and Bhagwan Dass.

3. Raghbir Singh, the plaintiff, is a respondent in CM(M) Nos. 51/2021, 196/2024 & 141/2025 whereas he is petitioner in CM(M) No. 42/2023.
4. The three petitioners, namely, Shiv Ram, Vaishno Nath and Bansi Lal herein were the defendants No. 1, 6 and 9 in the aforesaid civil suit.
5. The judgment and decree dated **11.06.2016** of the learned Sub Judge, Jammu has attained finality notwithstanding the fact that the defendants after having appeared in the said suit suffered ex parte proceedings resulting in passing of the judgment and decree ex parte against which the remedial recourse for getting it set aside also failed.
6. When the decree was sought to be put into execution by the decree holder/plaintiff Raghbir Singh, the executing court showed no indulgence resulting in generation of all the four cases aforementioned meaning thereby a 2016 decree for permanent prohibitory injunction restraining the defendants/judgment debtors from interference in the physical possession/user of the decree holder/plaintiff with respect to suit land measuring 10.6 kanals in khasra No. 314 min in village Bandwal, tehsil Akhnoor (now tehsil Jourian) or occupying the suit land or alienating the suit land or raising

any construction on the suit land, is still struggling with its execution and finality.

7. Out of the 11 defendants/judgment debtors, three judgment debtors/defendants are seen in resistance to the execution of aforesaid decree of 2016 and it is these said three defendants/judgment debtors from whose end three petitions i.e. CM(M) Nos. 51/2021, 196/2024 and 141/2025 have come to be instituted invoking supervisory jurisdiction of this Court under Article 227 of the Constitution of India assailing the orders dated 20.10.2021, 10.08.2024 and 03.05.2025 passed by the transferee executing court of learned Munsiff Akhnoor.
8. The petition-CM(M) No. 42/2023 filed by the decree holder/plaintiff came to be withdrawn by virtue of an order dated **30.05.2025** on the statement of learned counsel for the decree holder/plaintiff that the petition has been rendered infructuous with the passage of time leaving thereby the three petitions-CM(M) Nos. 51/2021, 196/2024 and 141/2025, all filed by three judgment debtors, to be dealt with by this Court.
9. Before this Court proceeds further, this court needs to peruse the record of the executing court as to why the execution of

the decree is held up till date. Record of following files to be summoned by the Registrar Judicial, Jammu:

- (i) **File No.: 4/Execution titled Raghbir Singh Vs. Shiv Ram & ors. from the court of Munsiff, Akhnoor.**
- (ii) **File No.: 9/Execution titled Raghbir Singh Vs. Shiv Ram & ors. from the court of Munsiff, Akhnoor.**

10. In the meantime, Tehsildar, Jourian along with Patwari concerned to come present in person along with the revenue record relatable to khasra No. 314 min in village Bandwal, tehsil Akhnoor (now tehsil Jourian) for assisting this Court to figure out the total area of land comprising in khasra No. 314 min, its respective occupants/owners and possessory status.
11. A copy of this order be forwarded to the Tehsildar, Jourian by the Registrar Judicial, Jammu for notice and compliance.
12. List again on 29.08.2025.

(RAHUL BHARTI)
JUDGE

JAMMU
23.07.2025
Naresh/Secy.