

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

Case:- CM(M) No. 175/2025
CM No. 3644/2025
CM No. 3645/2025

Roop Lal, Age 71 years
S/o Late Puran Chand
R/o Mangal Tehsil Bishnah
District Jammu

.....Petitioner(s)

Through: Mr. Ajay Vaid, Advocate.

Vs

1. Sheelo Devi
Wd/o Late Girdhari Lal
R/o Ashok Nagar, Satwari
Jammu.
2. Darshana Devi
D/o Sh. Girdhari Lal
R/o Ashok Nagar, Satwari.
3. S.H.O. Police Station Bishnah.

.....Respondent(s)

Through: Mr. Rajat Sudan, Advocate vice
Mr. Abhishek Wazir, Advocate.

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

ORDER
(08.07.2025)

01. What the petitioner is objecting to with respect to exercise of jurisdiction carried out by the learned Additional District Judge, Jammu in passing of order dated 20.05.2025 in the civil suit filed by the respondents is exactly what the petitioner had availed from the same very court, later on, after ten days, in terms of an order dated 30.05.2025 of learned Additional District Judge, Jammu with respect to a civil suit filed by him against the respondents.

02. Both the aforesaid orders dated 20.05.2025 & 30.05.2025 have come to be passed by the court of learned Additional District Judge, Jammu.

03. The learned Additional District Judge, Jammu has come to direct the Incharge Police Station, Bishnah to implement the order dated 30.10.2019 passed in the civil suit titled – “*Sheelo Devi & Anr. v/s Roop Lal*” and the order dated 24.09.2019 passed in the civil suit titled – “*Roop Lal v/s Sheelo Devi & Anr.*”.

04. Said two orders are still interim orders operating under the aegis of Order 39 rule 1 & 2 of the Jammu & Kashmir Code of Civil Procedure, Svt., 1977 and the temporary injunction applications in the respective two civil suits are yet to be *disposed of* and that has taken more than six years for the court of learned Additional District Judge, Jammu to struggle with and in the meantime directing the police intervention which otherwise is a job of a civil court to figure out as to who and how one is related to a suit property with respect to which its directions are operating in the context of the orders dated 24.09.2019 & 30.10.2019.

05. Thus, this Court in exercise of its supervisory jurisdiction under article 227 of the Constitution of India, takes notice of the fact that both the aforesaid orders are borne out of mechanical exercise of jurisdiction at the end of the court of learned Additional District Judge, Jammu literally amounting to delegating its authority in the hands of the Police Station, Bishnah to carry out adjudication which is actually meant to be done by a civil court by its own writ and wisdom to the extent of very well knowing on facts

as to which mischief is at play to be curbed before calling the police to deal with it in implementation of court directions.

06. Therefore, this Court *sets aside* the order dated 20.05.2025 passed in the civil suit – “*Sheelo Devi & Anr. v/s Roop Lal*” and also the order dated 30.05.2025 passed in a civil suit – “*Roop Lal v/s Sheelo Devi & Anr.*” by directing the court of learned Additional District Judge, Jammu to hear and dispose of temporary injunction applications a filed in both the civil suits within a period of one month positively from the date of passing of this order, be with or without the assistance of learned counsel representing the litigants in the two civil suits, which would then afford any aggrieved party remedy of appeal to this very Court and that would be a fitting situation for the trial court as well as for this Court to appreciate as to whether the indulgence of the police granted in implementing the final order of temporary injunction in favour of either of the parties is warranted or not.

07. The present petition is, accordingly, ***disposed of*** alongwith connected application(s). Till the *disposal* of the temporary injunction applications as directed none of the parties to two civil suits to cultivate or attempt to cultivate the suit lands.

(RAHUL BHARTI)
JUDGE

JAMMU
08.07.2025

Bunty

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No