

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

CM(M) No. 108/2022
CM No. 5728/2022
CM No. 1542/2023
CM Nos. 2190 & 2191/2025

**Amar Nath Baru, age 61 years S/o Sh. Har Dutt Baru,
R/o Near Govt. Higher Secondary School, Paloura
Chowk, Tehsil Jammu North District Jammu.
Through his power of attorney Ambika Sharma,
W/o Nakul Sharma, R/o Near Govt. High School, Paloura
Chowk, Tehsil Jammu North, District Jammu.**

.....Petitioner(s)

Through: Mr. Rohit Kohli, Advocate

Vs

- 1. Shankar Singh S/o Prithvi Singh, R/o Paloura,
Tehsil Jammu North, District Jammu.**
- 2. Swarn Singh S/o Tribta Singh, R/o Paloura, Tehsil
Jammu North, District Jammu.**
- 3. Daleep Kumar Thakur, S/o Not known, R/o
Kishtwar, Tehsil & District Jammu.**
- 4. Balbir Singh, S/o Chajju Singh, R/o Paloura, Near
Radha Krishan Mandir, Tehsil Jammu North,
District Jammu.**
- 5. Baljeet Singh S/o Rattan Singh R/o Paloura, Near
Cambridge School, Tehsil Jammu North, District
Jammu**

.... Respondent(s)

Through: None (in ex-parte)

Respondents are in ex-parte

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
19.05.2025

1. Impugned in the instant petition filed under the provisions of Article 227 of the Constitution of India is the order dated 03.06.2022 passed by the Court of learned Sub-Registrar, Jammu (hereinafter referred to as '**the Trial Court**' for short) while disposing of an application of the

petitioner/plaintiff seeking permission to raise the boundary wall on the subject matter of dispute.

2. Brief facts of the case relevant for disposal of the instant petition are that the petitioner has filed a civil suit before the learned Trial Court seeking decree of permanent injunction against the respondents/defendants in respect of land measuring 4 kanals 12 marlas comprising Khasra No. 755 situated at Revenue Village Paloura, Tehsil Jammu North, District Jammu (hereinafter referred to as '**the Suit Land**') on the main grounds that he is the owner and in possession of the 'Suit Land' and the respondents/defendants have been unnecessarily interfering with the same. That he has also got the demarcation of the 'Suit Land' done by the Revenue Agencies, who have confirmed his possession *vis-à-vis* the same. That the 'Suit Land' was initially owned by Sh. Kirpa Ram, his grandfather on whose death, the same devolved on his father Sh. Har Dutt Baru. That the 'Suit Land' is recorded as "*Banjar Kadim*" over which a kotha has also been constructed. That the 'Suit Land' is enclosed by barbered wire and a gate has also been installed for egress and ingress.

The respondent No.1 as per the written statement filed before the learned Trial Court has controverted the statement of the petitioner/plaintiff by contending that he is in possession of the 'Suit Land' which was earlier owned by his father Prithi Singh. That his father late Sh. Prithi Singh was the protected tenant of the erstwhile owner and was conferred with ownership rights under Section 8 of the Agrarian Reforms Act with attestation of the Mutation No. 3498. That his father Prithi Singh was

conferred with the ownership rights in respect of the land falling under Khasra Nos. 756 and 757 in addition to the 'Suit Land'.

3. An application came to be filed by the petitioner/plaintiff before the learned Trial Court with the prayer for permission to raise the boundary wall around the 'Suit Land' which came to be dismissed by the learned trial Court through the order impugned.
4. I have heard the learned counsel for the petitioner/plaintiff and considered his submissions. Record of the instant petition especially the copy of the impugned order has been perused.
5. The learned Trial Court while rejecting the application of the petitioner/plaintiff has observed that the trial suit is at initial stage in which the defendants No.1 and 7 only have appeared when the other defendants are yet to appear in the case. It has been observed that the respondent No.1 (defendant No.1 in the suit) has filed his written statement and has controverted the assertion of the petitioner/plaintiff by contending that he is the owner and in possession of the 'Suit Land'. That the order of status quo stands already passed in the temporary injunction application and as such, the granting of any permission for raising the boundary wall around the 'Suit Land' shall not meet the ends of justice.
6. This Court, in the facts and circumstances of the case especially having regard to the status of the trial suit, is convinced that the order impugned does not suffer from any illegality and instead appears to be well reasoned.
7. The petition is, accordingly, **dismissed**, however, with the direction to the learned Trial Court to expedite the trial of the main suit. The petitioner/plaintiff is at liberty to approach the learned Trial Court with the

successive application with the same prayer, which if filed, shall be disposed of by the learned Trial Court on merits in the light of the pleadings of the parties and after hearing both of them.

8. The petition is **disposed of**.

(Mohd. Yousuf Wani)
Judge

Jammu
19.05.2025
Vijay

Whether the order is speaking: No
Whether the order is reportable: No

