

S. No. 67

Suppl Cause List-3

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) no. 561/2025

CM no. 8471/2025

Mst. Maria and another

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

Through: Mr. Sheikh Mushtaq, Advocate

Vs.

Afshan Iqbal

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER

16.12.2025

Petitioners are aggrieved of order passed by the Trial court, whereby the Trial court on an application filed by the defendant-respondent seeking clarification of order dated 22.11.2025 while passing the order dated 26.11.2025 clarified the order dated 22.11.2025 is operative in respect of] the land measuring 2 Kanal & ½ Marla covered under Survey no. 3373/119, Khewat no, 231.

A suit has been filed by the petitioners seeking permanent prohibition injunction alongside the suit they have also filed an application for grant of interim relief.

The petitioners' case is that they are lawful owners and in physical continuous peaceful possession of land measuring 2 Kanals and ½ Marla under Survey no. 3373/119, Khewat no. 231 situated at Mouza Umar Abad Sector-B Peerbagh, Srinagar, which is suit property and the subject matter of the dispute. Claiming that they are in possession of said property, they had alleged that the respondent-defendant is interfering in the possession, therefore, Trial court while considering the suit of the plaintiffs as well as the application for granting interim relief passed an *ex parte* interim injunction by directing as under:

“...Considering the above facts and reasons, issue notice to other side for filing of written statement in the main suit and objections in the application. In the meantime, parties are directed to maintain status quo on spot and with respect to possession of the suit property till next date of hearing.....”

After passing the aforesaid order, the application came to be moved by the defendant before the Trial court seeking clarification of the order dated 22.11.2025, alleging that under the garb of said order, petitioners-plaintiffs are asserting right over the land of defendant as well as land of mother of defendant and plaintiffs seem to be confused over the site of their land. The defendant claimed that she is in possession of land measuring 01 Kanal covered under Khasra No. 178 and Khewat No. 89 situated at Mouza Rawalpura, Peerbagh and obtained the same vide gift deed dated 30.12.2010. It is being stated that the same has been given to her by maternal uncle and which she is holding since last more than 15 years. Apart from this, the mother is also holding the land measuring 01 Kanal with the defendant on spot. Alleging that under the garb of said order passed by the Trial court, plaintiffs-petitioners are raising claim with regard to the property owned and possessed by them, therefore, the respondent-defendant sought clarification of the aforementioned order.

It may be mentioned herein that the suit land as claimed by the plaintiffs being owned and possessed by them is falling under Khasra No. 3373/119 measuring 2 Kanals and ½ Marla, it is their claim in the suit. The Trial court had passed order of status quo with regard to the suit property and it is clarified by virtue of the order which has become the subject matter of this petition under challenge which reveals that the order dated 22.11.2025 is operative against the land measuring 2 Kanals and ½ Marla falling under Survey No. 3373/119, Khewat No. 231, which admittedly is being claimed by the plaintiffs to be in their possession and in respect of which he has alleged interference. Therefore, so far as the clarification is concerned, it is only to that extent. As such, no fault can be found with the order which is subject matter of the instant petition. Accordingly, on the aforesaid observations, the instant petition shall stand **disposed of** along with connected CM.

(VINOD CHATTERJI KOUL)
JUDGE

Srinagar
16.12.2025.
"Imtiyaz"