

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

CM(M) No. 62/2025

CM No. 1374/2025

Goverdhan Singh and anr.

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

Through: Mr. Vijay Gupta, Advocate

vs

Hari Chand

..... Respondent(s)

Through: Mr. G. S. Thakur, Advocate

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER (ORAL)

06.07.2026

1. The petitioners have filed this petition invoking Article 227 of the Constitution of India for quashing the order dated 30.11.2024 passed by the court of Principal District Judge, Jammu (For short 'the Appellate court'), whereby the learned Appellate court has dismissed the appeal preferred by the petitioners against the order dated 28.02.2024 passed by learned 2nd Additional Munsiff (JMIC) Jammu (For short 'the trial court'), whereby the learned trial court had restrained the petitioners/defendants in the suit from interfering into peaceful possession of the respondent/plaintiff over the land measuring 13 Marlas comprising Survey No. 680 along with house existing over the same and the lane measuring 10 ft wide x 96 feet length in front of the house of the respondent/plaintiff.
2. The petitioners have assailed the order on the ground that the petitioners are not disputing the title of the respondent on the southern

side upto 71 ft. + 25 ft. i.e. 96 ft but the lane exists up to the gate of the respondent/plaintiff only and not beyond that, as thereafter there is a proprietary land of the petitioners.

3. Mr. Vijay Gupta, learned counsel for the petitioners has vehemently argued that the petitioners have a right in the lane existing upto their gate only and not beyond that, as such, the order impugned passed by the the Appellate court is not sustainable in the eyes of law.
4. *Per contra*, Mr. G. S. Thakur, learned counsel for the respondent submits that the order passed by the learned trial court is restricted only to the extent of lane up to 96 ft. in length and not beyond that and there is a specific finding returned by the learned trial court that the respondent has not been able to demonstrate *prima facie* case beyond 96 ft. of the lane, as such, the petition preferred by the petitioners/defendants is misconceived.
5. Heard learned counsel for the parties and perused the record.
6. Needless to say that while examining the validity of the orders passed by the trial court as well as the Appellate court, the scope of interference under Article 227 of the Constitution of India is very limited. It is only when there is any jurisdictional error on the part of the court below resulting into miscarriage of justice that this Court can show indulgence. If the case of the petitioners is examined on the touch stone of what has been mentioned above, this Court clearly finds no jurisdictional error on the part of the learned trial court as well as the Appellate court. The learned trial court has restrained the petitioners only from interfering into the peaceful possession of the

respondent over the land measuring 13 Marlas comprising Survey No. 680 situated at Paloura, Tehsil Jammu North, District Jammu along with house existing over the same and the lane measuring 10 ft. wide x 96 ft. in length in front of the house of the respondent. Simultaneously, the learned trial court has observed that the petitioners/defendants cannot be restrained from making any construction over the land/lane beyond that as the respondent has failed to *prima facie* prove that the lane extends beyond his house i.e beyond. 96 ft. in length.

7. Learned counsel for the petitioners too restricted the claim of the petitioners beyond the 96 feet lane. Learned trial court has already observed that the respondent has no *prima facie* case beyond 96 feet lane. The grievance raised by the petitioners in the present petition is misconceived.
8. In view of the above, the present petition is found to be without any merit. The same is **dismissed**.

(RAJNESH OSWAL)
JUDGE

Jammu
06.07.2026
Neha-II

Whether the order is speaking:
Whether the order is reportable:

Yes/No
Yes/No