

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

Date of Pronouncement: 03.06.2026
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**CM(M) No. 114/2026
CM No. 3660/2026**

Subash Chander & Ors.

.....Petitioners

Through: Mr. Vivek Sharma, Advocate
Mr. Nikhil Goswami, Advocate
Mr. Abid Khan, Advocate

Vs

Dr. Karnail Dass & Anr.

.....Respondents

Through:

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(03.06.2026)**

- 01.** The three petitioners are defendants No. 1 to 3 in the array of four defendants in a civil suit preferred by the respondents No. 1 and 2 herein before the court of learned Additional Civil Judge (Jr. Div.), R.S. Pura.
- 02.** The suit is for permanent prohibitory injunction restraining the four defendants from causing interference in the peaceful ownership and possession of the respondents herein with respect to the suit land

measuring 10 kanals and 16 marlas comprised in Khasra Nos. 12 and 24 at village Chohalla, tehsil R.S. Pura, in any manner whatsoever.

03. By virtue of an order dated **25.08.2021**, the court of learned Additional Civil Judge (Jr. Div.), R.S. Pura came to grant an ex-parte ad interim status quo direction operating for both the parties that is plaintiffs as well as the defendants with respect to possession status of the suit land.

04. The cause of action for the petitioners to come forward with the present petition under article 227 of the Constitution of India is an order dated **18.04.2026** passed by the court of learned Additional Civil Judge (Jr. Div.), R.S. Pura whereby in response to an application filed by the respondents herein, a direction has been issued to the SHO Police Station, R.S. Pura, Jammu to implement the status quo direction operating in terms of an order dated **25.08.2021** against the defendants.

05. The petitioners are aggrieved that such a direction ought not to have been put into place and effect by the court of learned Additional Civil Judge (Jr. Div.), R.S. Pura.

06. When enquired from the learned counsel for the petitioners as to whether the petitioners have filed their

written statements to the plaint and objections to the temporary injunction application, Mr. Vivek Sharma, learned counsel for the petitioners registers his ignorance on this aspect as being not the counsel in the trial court below.

07. Be that as it may, this Court is of the view that the court of learned Additional Civil Judge (Jr. Div.), R.S. Pura, while being within its jurisdiction to direct the implementation of status quo direction through SHO Police Station, R.S. Pura, ought not to have used word **‘against the defendants’** as the status quo direction operating in the case is not addressed only against the defendants but is operating equally upon the plaintiffs i.e., both the parties and, therefore, SHO Police Station, R.S. Pura, Jammu can misdirect himself in carrying out literal implementation of the court order dated **25.08.2021** only against the defendants leaving the plaintiffs free to indulge in any act of omission or commission qua the suit property.

08. Therefore, this Court is inclined to dispose of this petition at its very inception stage without putting the respondents on notice by ordering the deletion of expression **‘against the defendants’** as obtaining in

order dated **18.04.2026** of the court of learned Additional Civil Judge (Jr. Div.), R.S. Pura, Jammu.

- 09.** Thus, the direction of the court below in order dated **18.04.2026** be read as **‘SHO Police Station, R.S. Pura, to implement the court order dated 25.08.2021’**.
- 10.** The petition is accordingly, **disposed of** alongwith connected application/s.
- 11.** A copy of this order be forwarded to the court of learned Additional Civil Judge (Jr. Div.), R.S. Pura for notice and record sake.

JAMMU
03.06.2026
SUNIL

