Sr. No. 06

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CM(M) No. 356/2025

Date of pronouncement: 19.01.2026
Date of uploading : 19 .01.2026

Guran Ditta, age 80 years …..Appellant(s)/Petitioner(s)
s/o late Dessu
R/o Village Gho Rakwalan Tehsil
Ramgarh, District Samba.

Through: Mr. Rudhar Partap Singh, Advocate.

vs

01.Maru Ram ….. Respondent(s)
S/o late Babu Ram
R/o Village Gho Rakwalan
Tehsil Ramgarh, Distt. Samba

02.Biru Ram
S/o Late Babu Ram
R/o Village Gho Rakwalan
Tehsil Ramgarh
District Samba

Through: None.

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
19.01.2026

01. A civil suit came to be preferred by the respondents, against the petitioner, in the month of December, 2023 in the Court of learned Additional Munsiff, Samba, ["the trial Court"] and on presentation ex-parte interim injunction came to be passed on 02.12.2023. The petitioner filed written statement and questioned maintainability of the suit, in terms of Section 25 of J&K Agrarian Reforms Act and Section 139 of Land Revenue Act. Subsequently, he invoked supervisory jurisdiction of this Court, under Article 227 of Constitution of India, for quashment of proceedings in the trial court for want of jurisdiction and this Court vide order dated 06.10.2025, disposed of the petition with a direction to the

trial Court to frame preliminary issue in this respect and decide it as per law, after affording an opportunity of being heard to both the sides. In addition, trial Court was also directed to decide the application preferred by the respondent under Order 39 Rules (1 & 2) CPC finally as per mandate of Order 39 Rule(A) CPC.

02. As per the mandate of Order 39 Rule 3-A CPC , Civil Court is obliged to decide application for temporary injunction with in a period of 30 days from the date on which the injunction was granted and where it is unable to do so, it shall record its reasons for such inability.

03. The short grievance projected by the petitioner in the present case is that despite the mandate of law and order dated 06.10.2025, passed by this Court, trial Court has failed to exercise the jurisdiction vested under law and dispose of the application for temporary injunction till date.

04. Having regard to the limited nature of controversy and innocuous prayer made by learned counsel for the petitioner, present petition is disposed of with a direction to the trial Court to decide the application filed by the respondents/plaintiff for temporary injunction within a period of two weeks from the date copy of this order is made available.

05. ***Disposed of***.

(Rajesh Sekhri)
Judge

Jammu
19.01.2026
Sushant

Whether the judgment is reportable? Yes/No
Whether the judgment is speaking? Yes/No