

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

FAO 20/2024

GAJINDER SINGH MANN

..... Appellant(s)

Through: Mr. M A Makhdoomi, Advocate
with Ms. Shaziya, Advocate.

V/s

RAVINDER JEET SINGH AND ORS

..... Respondent(s)

Through: Mr. Saqib Mukhtair, Advocate vice
Mr. Firdous Ahmad Yatoo, Advocate.

Coram:

Hon'ble Mr. Justice Rahul Bharti, Judge

ORDER

02.04.2026

1. The appellant has suffered dismissal of his temporary injunction application by virtue of an impugned order dated **30.05.2024** passed by the court of Principal District Judge, Baramulla in a civil suit preferred by the appellant therein seeking declaration of his ownership qua suit land measuring **17 Kanals and 02 Marlas** comprised in **Khewat No. 23 of Mouza Batoo, Tehsil Tangmarg, District Baramulla** with consequential relief of permanent prohibitory injunction restraining the defendants from interference in peaceful possession of the plaintiff with respect to the suit land.

2. The dismissal of temporary injunction application by virtue of impugned order came to take place in the face of the fact that by virtue of ad-interim exparte order dated **13.11.2023**, status quo direction first had come to take place for both parties to maintain.
3. The grant of status quo order was against a prayer of the appellant asking for temporary injunction while the appellant's suit is for declaration of being in exclusive possession of the suit property and, thus, having purportedly perfected his title by way of adverse possession.
4. The response of the defendants No. 1 to 3, who are the respondents 1 to 3 herein, in their written statement is that the appellant is not in a possession of entire land measuring **50 Kanals and 11 Marlas** whereas the defendants No. 1 to 3 are in actual cultivating possession of the land covered by **Survey No. 299** which is one of the Khasra Numbers comprised in **Khewat No. 23**.
5. The suit of the appellant is obviously meant for adjudication on merits unless it gets dismissed for non-prosecution on merits and in view of said scenario while the appellant as well as the respondents herein in particular respondent No. 1

to 3 were reconciling with the status quo direction granted in terms of order dated **13.11.2023**.

6. This Court is of opinion that the court of Principal District Judge, Baramulla fell in error of judgment by not considering continuation of *status quo* direction with respect to the suit property to operate till pendency of the civil suit.
7. Otherwise by dismissal of application of the appellant, the situation has been left open and free for the parties to the suit to act upon their own whims and fancies to outsmart each other in the context of their respective claim to the suit property.
8. In light of the aforesaid, this court deems it fit to set aside the impugned order dated **30.05.2024** passed by the court of Principal District Judge, Baramulla, and hereby makes absolute status quo direction as given in order dated **13.11.2023** with respect to suit property till final adjudication of the suit.
9. Disposed of as above.

(Rahul Bharti)
Judge

SRINAGAR
02.04.2026
Aasif