

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

CM(M) 267/2026
CM(4140/2026)
Caveat 1535/2026

TARIQ AHMAD BHAT AND OTHERS

...Petitioner(s)/appellant(s)

Through: Mr. Mir Manzoor, Advocate

Vs.

MOHAMMAD AMIN BHAT AND ANOTHER

...Respondent(s)

Through: Mr. Bilal Ahmad Khan, Advocate (Caveator)

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

10-07-2026

Caveat 1535/2026

With the appearance of learned counsel for the caveator, the caveat filed by the caveator stands discharged.

CM(M) 267/2026
CM(4140/2026)

1. Two respondents herein are plaintiffs in a civil suit on the file of court of learned Munsiff, Shopian instituted on 16.03.2026 wherein four petitioners herein figured as defendants.
2. The suit is for permanent prohibitory injunction decree with respect to land measuring 15-kanals and 15-marlas comprised under survey (khasra) Nos. 33, 20, 24, 378, Khewat No. 19 and Khata Nos. 100 and 102, in village Gundi-Hadoo Khudpora, Shopian.

3. The trial court of learned Munsiff, Shopian by virtue of ad interim *ex parte* order dated **16.03.2026**, has come to injunct the petitioners as defendants from causing any sort of interference in any manner whatsoever with the suit land. The order is however subject to the objections from the other side.
4. The petitioners have appeared in the suit, filed written statement as well as objections to the temporary injunction application.
5. In the plaint, two respondents as plaintiffs have referred to mutation No. 749 on the basis whereof they are purportedly laying their title *qua* the suit property as being successors of original and admitted owner **Nabba**.
6. After institution of civil suit, in a revenue proceeding before Financial Commission or (Revenue), J&K, on **file No. 1167/FC/AP** preferred by the petitioners herein, **mutation No. 749 dated 04.02.2025** has been set aside and the matter remanded to the Tehsildar concerned for *de novo* enquiry and passing of fresh orders after hearing all the concerned.
7. The Financial Commissioner, (Revenue) J&K's order dated 23.06.2025 has come to be challenged by the two respondents in **WP(C) No. 1451/2026**, wherein this Court has directed *status quo* by both parties to

the property in dispute, which, of course, is very much the suit property.

8. For seeking implementation of *ex parte* ad interim temporary injunction order, the two respondents sought a direction unto SHO Police Station Shopian to carry out the implementation which came to be obliged by the court of learned Munsiff, Shopian vide an order dated **28.03.2026**, with a direction to the SHO Police Station Shopian to implement the temporary injunction order in letter and spirit.

9. Obviously, order dated **16.03.2026**, because of subsequent development of institution of **WP(C) No. 1451/2026** is in conflict as this Court has directed *status quo* for both sides to maintain *qua* the suit property which property was forming subject matter of mutation No.749 of 2025, whereas the Court of Munsiff, Shopian is pressing on implementation of temporary restraint order as such competing directions cannot stay together and, therefore, the direction of court of learned Munsiff, Shopian in terms of order dated **28.03.2026** is to take back seat.

10. Accordingly, **order dated 28.03.2026 is set aside** with a direction to the court of learned Munsiff, Shopian to dispose of the pending temporary injunction application of the respondents by or before

15th August, 2026.

Learned Registrar Judicial, High Court of J&K,
Srinagar, to forward a copy of this order to the learned
Munsiff Shopian for notice and consequent compliance.

(RAHUL BHARTI)
JUDGE

SRINAGAR
10-07-2026
Shameem H.

