

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

**CM(M) 373/2026 CM(5508/2026)
Caveat 1884/2026**

NISAR AHMAD DAR AND OTHERS

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

Through: Mr. Zahoor Ahmad Shah, Advocate

Vs.

FAROOQ AHMAD DAR AND OTHERS

...Respondent(s)

Through: Mr. M. Ayoub, Advocate

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

21.08.2026

Caveat 1884/2026:

1. With the appearance of Mr. M. Ayoub, learned counsel on behalf of caveators, caveat stands discharged.

CM(M) 373/2026:

2. By this petition, filed under Article 227 of Constitution of India, the petitioners herein have challenged the order dated 31.07.2026 passed by the learned Principal District Judge, Shopian, in an appeal preferred against the order dated 20.05.2025 passed by the learned Sub-Judge, Shopian, under Order 43 Rule 1(r) of the Code of Civil Procedure, whereby the appeal has been allowed, the order dated 20.05.2025 passed by the learned Sub-Judge, Shopian, has been set aside, and the petitioners herein have been temporarily restrained from causing any sort of interference with the suit property or changing its nature and character during the pendency of the suit, subject to the final outcome of

the suit. The petitioners have also sought a direction for restoration of the order dated 20.05.2025 passed by the learned Sub-Judge, Shopian.

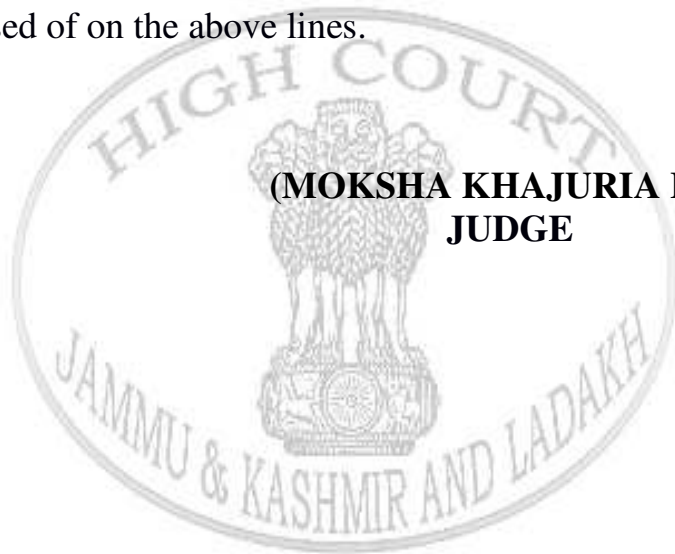
3. Learned counsel for the petitioners submits that the respondents herein have instituted a civil suit for permanent injunction in respect of land measuring 13 Kanals and 11 Marlas, falling under Survey Nos. 627/37 (4 Kanals), 630/10 (4 Kanals and 17 Marlas), and 128 (4 Kanals and 14 Marlas).
4. It is stated that the learned Sub-Judge, Shopian, vide order dated 20.05.2025, rejected the interim application filed by the respondents herein, observing that they had failed to establish the three golden principles in their favour. Aggrieved of the said order, the respondents preferred an appeal under Order 43 Rule 1(r) of the Code of Civil Procedure before the learned Principal District Judge, Shopian, who directed as under:

“Therefore, in view of the foregoing discussion and for the reasons recorded hereinabove, I am of the considered opinion that the appellants have successfully established all the three essential ingredients governing the grant of temporary injunction, namely prima facie case, balance of convenience and irreparable loss. Accordingly, the present appeal deserves to be and is hereby allowed. The impugned order dated 20.05.2025 passed by the learned Sub Judge, Shopian, is set aside. Consequently, the application for grant of temporary injunction filed by the appellant stands allowed, and the respondents are temporarily restrained from causing any sort of interference with the suit property or changing its nature and character during the pendency of the suit, subject to the final outcome of suit before the trial court.”

5. Learned counsel for the petitioners submits that the impugned order is prejudicial to the rights of the petitioners and, as such, prays that status quo with respect to the property in dispute be maintained.

6. Learned counsel for the respondents is not averse to the proposition made by learned counsel for the petitioners, however, he submits that the possession of the persons who were in possession of the property as on 31.07.2026 should not be disturbed.
7. In view of the above, and without expressing any opinion on the merits of the case, the instant petition is disposed of at the threshold, with a modification of the order dated 31.07.2026 to the extent that the parties shall maintain status quo as it existed on the date of passing of the said order, i.e., 31.07.2026.
8. The parties are directed to appear before the Trial Court on 25.08.2026.
9. Disposed of on the above lines.

SRINAGAR:
21.08.2026
“Adil Ismail”



(MOKSHA KHAJURIA KAZMI)
JUDGE