

(2026) 08 J&K CK 0752

In the Jammu And Kashmir High Court, Jammu Bench

Case No : CM(M) No. 89/2025

Mohd Hussain

APPELLANT

Vs

Ismail and others

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Citation : (2026) 08 J&K CK 0752

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

**Advocate : Mr. Vikram Sharma, Sr. Advocate with Mr. Sachin Dev Singh,
Advocate for the petitioner**

Final Decision : Dismissed

Judgement

01. Heard learned Senior Counsel for the petitioner and considered the matter.

02. In terms of order dated 20.03.2025, the Court of learned Sub Judge Reasi (for short, "the trial court") has dismissed the application preferred by the petitioner for implementation of order of status quo dated 08.01.2025 through SHO Police Station Mahore.

03. The learned trial court rejected the application with the observation that in terms of judgment dated 08.01.2025, learned Principal District Judge, Reasi has observed that revenue record reveals the joint cultivation of suit land by the petitioner and respondent No. 1 and further that respondent No. 1 has filed the counter claim regarding the land measuring 29 Kanals 05 marlas out of the suit land on the basis of adverse possession. It was also observed that the Principal District Judge, Reasi modified the order dated 26.07.2024 passed by the learned trial court with an observation that the order of the trial court to restrain the respondents from interfering into the suit land will amount to negate their counter claim and render the same infructuous.

04. After taking note of the above said observations, the learned trial court rejected the application on the ground that the petitioner has filed an application

for implementation of status quo order dated 08.01.2025 on the ground that the respondents and their goons are violating the order, thereby interfering in their peaceful possession of the petitioner, and as such, in view of the judgment dated 08.01.2025 of the Appellate Court, the application is not maintainable.

05. A perusal of order dated 08.01.2025 passed by the learned Principal District Judge reveals that order of status quo has been clarified with an observation that the status quo would mean that they will neither change the nature of suit land nor raise any type of construction, cut or remove any tree from the suit land.

06. At this stage, learned counsel for the petitioner submits that in fact the respondents were raising the construction over the suit land in utter disregard of the order dated 08.01.2025.

07. After examining the impugned order, this Court does not find any reason to show indulgence and accordingly the petition is dismissed. The petitioner shall, however, be at liberty to approach the learned trial court afresh in case the order of status quo, directed to be maintained by the learned Principal District Judge, Reasi, is violated by the respondents.