

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

CM(M) No. 70/2026
CM No. 2373/2026

Date of pronouncement : 21.04.2026
Uploaded on : 23.04.2026

Sanjay Kumar & Anr.

.....Petitioners

Through:- Mr. G. S. Thakur, Advocate.

Mohan Singh & Anr.

V/s



.....Respondents

Through:-

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER

01. Heard Mr. G. S. Thakur, learned counsel for the petitioners who are plaintiffs in a civil suit before the court of Munsiff, Katra.

02. The petitioners have instituted and initiated a civil suit with effect from **14.08.2023** against two respondents herein.

03. The suit is for declaration with consequential relief accompanied with an application for grant of temporary injunction.

04. By virtue of an order dated **14.08.2023**, the court of Munsiff, Katra granted an *ex-parte ad interim status-quo* direction with respect to land measuring 4.10 kanals in khasra No. 213 min, khewat No. 281 min and khata No. 913 situated at village Kundrorian, tehsil Katra and district Reasi.

05. The respondents are said to have appeared before the trial court in the suit, filed their respective written statements and also reply to the temporary injunction application.

06. Thus, from **14.08.2023** onwards, the said temporary injunction application of the petitioners is still awaiting final *disposal*.

07. In the meantime, the petitioners are said to have preferred an application under Order VIII Rule 9 of the Code of Civil Procedure, 1908 for filing a replica to the written statements so filed from the end of the respondents.

08. The temporary injunction application is on file No. **5/Civil/Misc. of 2023**, whereas application under

Order VIII Rule 9 of the Code of Civil Procedure, 1908 appears to be on file No. **IA/1/Misc.**

09. Both the aforesaid applications are running concurrent in terms of proceedings for arguments and final *disposal*.

10. The petitioners have come forward with the present petition under article 227 of the Constitution of India being aggrieved of an order dated **04.04.2026** passed by the court of Munsiff, Katra, wherein after referring to the sequence of events taking place on **04.04.2026** when the case was posted and called, the court of Munsiff, Katra has come to close the right of the petitioners for advancing arguments in the instant application which presumably is application under Order VIII Rule 9 of the Code of Civil Procedure, 1908.

11. The order dated **04.04.2026**, *ex-facie*, would read to be a meaningful order but when this Court reads between the line and also the backdrop of the proceedings, then this Court finds that prior to **04.04.2026**, the case was posted on **28.03.2026** on which date it is the petitioner No. 1 as well as the defendant No. 1 who were present in person. Counsel for the defendant No. 2 was present and the file was kept for objections under Order VIII Rule 9 of the Code of Civil Procedure, 1908, but on the instant day, the Presiding

Officer of the court was on leave and, as such, the matter was simply put up for **04.04.2026** without stating as to on said next date what proceedings are supposed to take place and this is where a conjoint reading of order dated **28.03.2026** read with order dated **04.04.2026** would render the observations of the over-seriousness on the part of the Presiding Officer of the court of learned Munsiff, Katra bit misplaced even if appear to be well meaning of inducing and injecting urgency into the proceedings but then there was no occasion for the Presiding Officer of the court of Munsiff, Katra to get exhausted at 1:00 pm when the court time was meant to last up to 4:30 pm by which time the counsel for the petitioners could have been awaited considering the fact that Mr. G. S. Thakur, Advocate is an out stationed Advocate. सत्यमेव जयते

12. Mr. G. S. Thakur, learned Advocate is on record to submit before this Court that he had presented himself before the Presiding Officer of the court of Munsiff, Katra at 10:00 am in 1st half and 2:00 pm in 2nd half, but by that time the Presiding Officer of the court of Munsiff, Katra had made up its mind to come up with the order as it came to be in the form of order dated **04.04.2026** and that has just led to wastage of time constraining the petitioners to approach this Court with the present petition.

13. This Court ***disposes of*** this petition with a direction unto the court of Munsiff, Katra to first take up the application for temporary injunction for adjudication on the basis of the original plaint and written statements filed therein and *dispose of* said application by or before **30.05.2026**.

14. Only after *disposal* of temporary injunction application so long pending, then the application also filed by the petitioners for leave to file replica under Order VIII Rule 9 of the Code of Civil Procedure, 1908 be taken up for adjudication to be *disposed of* by or before **30.06.2026**.

15. This Court leaves it to the court of Munsiff, Katra to fix intervening dates for arguments on which dates in case of any avoidance on the part of the counsel for either side, the court of Munsiff, Katra shall be well within its discretion to reserve the applications for adjudicatory orders.

16. This Court makes it clear in case if the counsel from the either side would ask for adjournment on medical grounds then the timeline put up by this Court would be available to be self extended by court of Munsiff, Katra at its discretion.

17. This Court would humbly remind the Presiding Officer of the court of Munsiff, Katra that proprietary of a

judicial conduct and temper in addressing itself with the learned Bar is a non-negotiable aspect of judicial grace, particularly when seniority bearing Advocates having long standing experience and due sense of responsibility not only towards their clients but also towards court are representing the litigants in courts, then a court is supposed to moderate its tone and tenor and which get reflected and exposed from very text of an order passed in that state of mind, be it agitative or equipoised.

18. *Disposed of*, accordingly.

19. A copy of this order be forwarded to the learned Munsiff, Katra by the learned Registrar Judicial, Jammu for the sake of notice and compliance.

**(RAHUL BHARTI)
JUDGE**

**JAMMU
21.04.2026**

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Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No