



\$~ 144(Appellate)

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1/2019 & CM No. 11/2019

**SATISH CHANDRA**

..... Petitioner

Through: Mr. Nalin Tripathi and  
Mr.Divyanshu Priyam, Adv.

versus

**KRISHAN KUMAR & ORS**

..... Respondents

Through: Mr. Rajat Aneja and  
Mr.Abhishek Kumar, Adv. for R-1

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**JUDGMENT (ORAL)**

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**31.05.2022**

1. This petition under Article 227 of the Constitution of India assails order dated 24<sup>th</sup> December, 2018 passed by the learned Additional District Judge (“the learned ADJ”) on an application under Section 151 of the Code of Civil Procedure, 1908 (CPC) filed by the respondent, as the plaintiff in CS 639/06 (subsequently renumbered as CS 618788/16).

2. Satish Chandra, the petitioner in the present petition, was Defendant 2 in CS 639/06, and the respondent Krishan Kumar was the plaintiff. CS 639/06 was instituted by the respondent against the petitioner and six other defendants seeking partition, rendition of accounts and mandatory injunction in respect of four properties. The suit was accompanied by an application under Order XXXIX Rules 1 and 2 of the CPC, seeking interlocutory injunction. The prayer clause



in the plaint reads thus:

It is, therefore, most respectfully prayed that:

(a) a preliminary decree for partition by determining the share in the immovable properties i.e. the entire portion on western side including the terrace over it and the roof on the back side of the western portion shown in RED colour of property no. 3857, CHARKHEWALAN, DELHI and property no. B-14, SURYA NAGAR, GHAZIABAD, U.P. and movable properties as mentioned in Schedule-B and to determine the share of the plaintiff and other defendants in the said properties, which are liable to be partitioned.

It is further prayed that a preliminary decree of partition of HUF premises bearing no. 1881, HAVELI JUGAL KISHORE, CHANDNI CHOWK, DELHI-110006 of M/S RAMCHAND LAKHPAT RAI, HUE, wherein the HUF business of Krishna Guest House is being run be passed by meets and bounds in favour of plaintiff and against the defendants no. 1 to 3 thereby determining whatever right, interest and share the said parties have/derived in the said property.

(b) pass a final decree of partition of the movable and immovable suit properties by meets and bound amongst the co-sharers and to separate the share of the plaintiff therein.

(c) to pass a decree for perpetual injunction restraining the defendants no. to 3, their agents, servants and employees and representatives from interfering in the peaceful possession and enjoyment of the plaintiff in his shop on the ground floor of property no. 3857, CHARKHEWALAN, DELHI, shown in BLUE colour and the terrace on the Eastern Portion of the said property shown BLUE colour and also from interfering in the possession and the business of the plaintiff being run in SHOP NO. 1881-A, HAVELI JUGAL KISHORE, CHANDNI CHOWK, DELHI and from selling, disposing off or creating any third party interest in any of the undivided Suit properties movable and immovable, which are jointly owned by the plaintiff and the defendants no. 1 to 3 and from interfering in peaceful possession of the plaintiff in property no. B-14, SURYA NAGAR and 3857, CHARKHEWALAN,



DELHI.

(d) pass a decree for rendition of accounts against the defendant no. 1 directing him to full and detailed accounts of the income of the HUF business of Krishna Guest House being run at 1881, HAVELIJUGAL KISHORE, CHANDNI CHOWK, DELHI.

(e) the costs of the suit may kindly be decree in favour of the plaintiff and against the defendants.”

3. On 26<sup>th</sup> July, 2006, a Coordinate Single Bench of this Court directed the parties in the suit to “maintain *status quo* in respect of Shop No. 1881, Haveli Jugal Kishore, Chandni Chowk, Delhi.” (hereinafter referred to as “1881”).

4. IA 4271/2006 and 10111/2007, filed by Respondent 1 under Order XXXIX Rules 1 and 2 of the CPC, came to be disposed of, by the following order, passed by this Court, on 18<sup>th</sup> February, 2008:

“All these applications have been taken up for hearing together because the counsel for both the parties have agreed for passing of a consent order on the said applications.

The plaintiff has filed this suit for partition, rendition of accounts and injunction regarding the following properties:-

- 1 Property bearing No. 3857, Charkhewalan, Delhi
- 2 Property bearing No. B-14, Surya Nagar, Ghaziabad
- 3 Shop N0.1881/A, Haweli Jugal Kishore, Chandni Chowk, Delhi
- 4 Guest House being run by the HUF from premises No. 1881/A, Haweli Jugal Kishore, Chandni Chowk, Delhi.

On 26.07.2006 this Court had directed the parties to maintain status quo in respect of Shop No. 1881/A, Haweli Jugal Kishore, Chandni Chowk, Delhi.



There appears to be dispute between the parties regarding the possession of two of the properties mentioned at serial No. 3 and 4. The counsel appearing for both the parties say that this court may appoint a Local Commissioner to verify the status of the properties at Serial No. 3 and 4 above and report to this court as to the existing accommodation available in the said properties and as to who is in possession thereof. The counsel for both the parties have mutually agreed that the parties shall maintain status quo in relation to all the above mentioned four properties till their rights and liabilities in the said properties are adjudicated by this Court in the present proceedings.

In view of the above submissions made by the learned counsel for the parties, Mr. Gurinder Pal Singh, Advocate (59, Hemkunt Colony, Opposite Nehru Place, Delhi-110048 Mobile No. 9811176622) is hereby appointed as Local Commissioner with directions to him to visit the suit properties mentioned at serial Nos. 3 and 4 above and to verify the accommodation available therein and also to ascertain as to who is in possession thereof at the time of execution of the Local Commission. The learned Local Commissioner may prepare the rough sketch of the properties he shall visit and may also take photographs of the said premises. Mr. Tripathi, learned counsel appearing on behalf of defendant No. 1 says that he shall arrange for the photographer as well as for the draftsman for preparing the site plan of the properties that the Local Commissioner has to visit. Both the counsel have assured that they shall provide necessary assistance to the Local Commissioner for execution of the Commission. The learned Local Commissioner may take police assistance also from the Local police, if required, for execution of this Commission. The fee of the Local Commissioner is fixed at Rs.50,000/-. The fee should be shared by both the parties in equal shares. The learned Local Commissioner is directed to file his report to this court within 3 days of the execution of the Commission along with all the necessary exhibits.

A copy of this order be sent to the learned Local Commissioner for information forthwith.

The parties are directed that they should maintain



status quo in relation to all the above mentioned four properties including the properties mentioned at serial Nos. 3 and 4 above in terms of the report of the Local Commissioner. All these applications stand disposed of in terms referred above.”

5. The local commissioner, who was appointed by the aforesaid order dated 18<sup>th</sup> February, 2008 of this Court submitted his report on 19<sup>th</sup> August, 2009. With respect to the property at Serial No. 4 of the list of properties as per the order dated 18<sup>th</sup> February, 2008, the local commissioner observed thus:

“That with regard to the property mentioned at serial no. 4 namely, "Guest House at Premises No. 1881/A, Haweli Jugal Kishore. Chandni Chowk, the photographs of the entire site was taken and a site plan was prepared. The accommodation available at the property at serial no. 4 is duly ascertained by the site plan so attached. On my arrival, the Plaintiff, Defendant no. 2 and Defendant no. 3 were present. Besides, there were two employees namely Vijay and Lovkush Kumar. I was informed by the said two employees that the guest house was being managed by Mr. Satish Kumar i.e. Defendant no. 2 and Mr. Ashok-Kumar i.e. Defendant no. 1. The said two employees further informed that the Plaintiff visits the said guest house occasionally. I also perused the private guest/ visitor registers. The said registers it may be stated that the said registers were not licensed. From the perusal of the said registers it was evident that the said registers were being signed by Defendant no. 2, Mr. Satish Kumar and on some occasions by Defendant no. 1, Mr. Ashok Kumar. Two registers were perused by me- one for the period 11.7.2006 upto 24.6.2009 and the other for the period 24.6.2009 till date. In the said registers, the signatures of the Plaintiff were not there, though I was informed by the Plaintiff that though the guest house was not being run and managed by the Plaintiff he was enjoying the possession thereof in as much as on occasions, he visits the same and stays overnight as well in any of the rooms so available in the guest house. The said fact is denied by the Defendants. From the inspection of the rooms, it cannot be borne out that the





Plaintiff has been occupying the said rooms. The keys of the entire room are kept at the reception area of the said guest house. Though the Plaintiff contends that he too has the possession of the rooms, he does not have any set of separate keys for the rooms, so built in the guest house. From the inspection of the property at serial no. 4 it appears that the said guest house is being managed and run by Defendant no. 2 and Defendant no. I. There is no document nor any relevant material available at site which shows that the Plaintiff is in possession of the property at serial no. 4. Plaintiff also states that the Defendant no. I has been running and managing the said guest house, since January 2009. The possession of the parties over the property at serial no. 4 cannot be correctly ascertained in view of the serious disputes between the parties and their claim over the said property. The possession further cannot be correctly ascertained in view of the fact that the rooms in the guest house have been let out to different people and their respective clients are lying in the said rooms.

The report is submitted accordingly.”

6. Alleging that the petitioner and other defendants in CS 639/06 had violated the order of *status quo* passed by this Court on 18<sup>th</sup> February, 2008, the respondent moved this Court by way of CCP(O) 106/2009. It was clearly alleged, in para 12 of the said contempt petition that, by seeking to alter the status of the property at no. 1881, the petitioner and other defendants in CS 639/06 were violating the order dated 18<sup>th</sup> February, 2008. Accordingly, it was prayed that action for contempt of court be initiated against them.

7. In the aforesaid CCP(O) 106/2009, while issuing notice, this court passed the following order on 2<sup>nd</sup> September, 2009:

“Issue notice, Mr. Nalin Tripathi. Advocate, accepts notice on behalf of Defendant No. 1. Issue notice to the non-applicants/Defendant Nos. 2 and 3, returnable on 11.11.2009.



The parties shall maintain status quo; in the meanwhile, the S.H.O., Police Station, Kotwali is directed to inspect the premises and submit a report, in a sealed cover, to the Court, within one week from today, as regards the present status of possession.

Order dasti.”

Subsequently, by order dated 31<sup>st</sup> January, 2012, this Court ordered that CCP(O) 106/2009 and IA 11373/2008 would be decided alongwith the main suit.

8. Respondent 1 moved an application before the learned ADJ under Section 151 of the CPC alleging that the petitioner had illegally converted one of the rooms of the guest house at 1881 into a shop and had, thereby, disturbed the *status quo* in respect of the property. In view thereof, the applicant prayed that directions be issued to the petitioner to restore the *status quo ante* by removing the shop which had been set up in the aforesaid room in the guest house.

9. The said application has come to be decided by the learned ADJ by the order dated 24<sup>th</sup> December, 2018, which is subject matter of challenge in the present petition. The learned ADJ has held that, by converting one of the rooms in the guest house into a shop, the petitioner had wilfully disobeyed the *status quo* orders dated 18<sup>th</sup> February, 2008 *supra* and 2<sup>nd</sup> September, 2009 *supra* passed by this Court. The petitioner was therefore, directed to restore the *status quo ante* in respect of the premises at 1881 and the SHO of the jurisdictional police station was directed to ensure compliance.



10. It is this order that the petitioner has sought to assail by the present proceedings, initiated under Article 227 of the Constitution of India.

11. Initially, there was some confusion regarding the municipal no. of the shop in respect of which the *status quo* had been granted as, in the order dated 18<sup>th</sup> February, 2008, the shop has been shown as Shop No. 1881/A. That, however, appears to be a typographical error, as the suit originally filed by Respondent 1 refers to Shop No. 1881, and the order dated 26<sup>th</sup> July, 2006 also directed maintenance of *status quo* in respect of the shop at 1881. It is also not in dispute that the guest house that was being run by the petitioner was also in the property situated at No. 1881. The CCP(O) 106/2009 which had been initially filed by Respondent 1, alongwith other parties, alleging contumacious disturbance by the petitioner, of the *status quo* order, also referred to disturbance of the *status quo qua* the property at No. 1881. The direction, in the order dated 2<sup>nd</sup> September, 2009, passed by this court in CCP(O) 106/2009 is also, therefore, to be regarded as having been passed in respect of 1881.

12. Mr. Nalin Tripathi, learned Counsel for the petitioner today has very fairly not argued on this aspect, but has sought to contend that the original *status quo* order which was passed on 18<sup>th</sup> February, 2008, holistically read, directed *status quo* in respect of the possession of the property at 1881. He submits that, therefore, by merely converting one of the rooms in the guest house to a shop, the *status quo* has not been violated in the least. To substantiate his contention that the





*status quo*, as directed by this Court, was in respect of possession of the premises at 1881, Mr. Tripathi has drawn my attention to the penultimate paragraph of the order dated 18<sup>th</sup> February, 2008, which subsequently directed the parties to maintain *status quo* in relation to the four properties forming subject matter of the dispute including the properties at Serial No. 3 and 4 (of which we are concerned with the property at serial no. 4) *in terms of the report of the local commissioner*. Mr. Tripathi has sought to juxtapose this direction with the terms of reference of the local commissioner, in the preceding paragraph of the same order, in which the local commissioner was directed to verify the accommodation in the said properties and ascertain who was in possession thereof at the time of execution of the commission. Mr. Tripathi submits that, therefore, the *status quo* that was directed by this court has to be regarded as *status quo* in respect of possession of the suit properties and nothing more. There has, he submits, been no change in the possession of the suit properties; ergo, he submits, there is no violation of the direction for maintenance of *status quo*.

13. Mr. Tripathi has also relied, in this context, on the opening paragraph of the report dated 19<sup>th</sup> August, 2009 *supra* of the local commissioner, in which the local commissioner has specifically observed that he had been directed to verify the suit property and ascertain “as to who is in possession thereof”. Once therefore, the parties in possession of the various portions of the suit property continue to remain in possession thereof, Mr. Tripathi submits that there could be no question of any violation of the order of *status quo*



passed by this Court.

14. As against this, Mr. Rajat Aneja, learned Counsel for the respondent submits that *status quo* means *status quo*, and that the *status quo* was not limited in terms but would cover *status quo* even regarding user. He submits that no exception can be taken to the finding of the learned ADJ, in the impugned order dated 24<sup>th</sup> December, 2018 that, by converting one of the rooms in the house at 1881 into a shop, the petitioner had violated the order of *status quo* passed by this Court.

15. Having heard learned Counsel for both sides and having perused the record, I do not find that a case for interference with the impugned order, within the parameters of the jurisdiction of this Court under Article 227 of the Constitution can be said to have been made out.

16. The parameters of jurisdiction of this Court under Article 227 are trite and well settled. In *Sadhana Lodh v. National Insurance Co. Ltd.*<sup>1</sup>, the Supreme Court has neatly encapsulated the scope of Article 227 jurisdiction in the following passage:

“7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the

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<sup>1</sup> (2003) 3 SSC 524



Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the decision.”

17. The limitations on the scope of Article 227 have been recently reiterated by the Supreme Court, in para 28 of the report in *Ibrat Faizan v. Omaxe Buildhome Pvt. Ltd.*<sup>2</sup> thus:

“28. The scope and ambit of jurisdiction of Article 227 of the Constitution has been explained by this Court in the case of *Estralla Rubber v. Dass Estate (P) Ltd.*<sup>3</sup>, which has been consistently followed by this Court (see the recent decision of this Court in the case of *Garment Craft v. Prakash Chand Goel*<sup>4</sup>). Therefore, while exercising the powers under Article 227 of the Constitution, the High Court has to act within the parameters to exercise the powers under Article 227 of the Constitution. It goes without saying that even while considering the grant of interim stay/relief in a writ petition under Article 227 of the Constitution of India, the High Court has to bear in mind the limited jurisdiction of superintendence under Article 227 of the Constitution. Therefore, while granting any interim stay/relief in a writ petition under Article 227 of the Constitution against an order passed by the National Commission, the same shall always be subject to the rigour of the powers to be exercised under Article 227 of the Constitution of India.”

18. As noted, para 28 of the report refers to the earlier decisions of the Supreme Court in *Estralla Rubber v. Dass Estate (P) Ltd.*<sup>5</sup> and *Garment Craft v. Prakash Chand Goel*<sup>6</sup>. The relevant passages from *Estralla Rubber*<sup>5</sup> and *Garment Craft*<sup>6</sup> may also, therefore, be usefully reproduced as under:

**Estralla Rubber**

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<sup>2</sup> 2022 SCC Online SC 620

<sup>3</sup> (2001) 8 SCC 97

<sup>4</sup> 2022 SCC OnLine SC 29

<sup>5</sup> (2001) 8 SCC 97

<sup>6</sup> 2022 SCC OnLine SC 29



“7. This Court in *Ahmedabad Mfg. & Calico Ptg. Co. Ltd. v. Ram Tahel Ramnand*<sup>7</sup> in para 12 has stated that the power under Article 227 of the Constitution is intended to be used sparingly and only in appropriate cases, for the purpose of keeping the subordinate courts and tribunals within the bounds of their authority and, not for correcting mere errors. Reference also has been made in this regard to the case *Waryam Singh v. Amarnath*<sup>8</sup>. This Court in *Bathutmal Raichand Oswal v. Laxmibai R. Tarte*<sup>9</sup> has observed that the power of superintendence under Article 227 cannot be invoked to correct an error of fact which only a superior court can do in exercise of its statutory power as a court of appeal and that the High Court in exercising its jurisdiction under Article 227 cannot convert itself into a court of appeal when the legislature has not conferred a right of appeal. Judged by these pronounced principles, the High Court clearly exceeded its jurisdiction under Article 227 in passing the impugned order.”

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### **Garment Craft**

“15. Having heard the counsel for the parties, we are clearly of the view that the impugned order [*Prakash Chand Goel v. Garment Craft*<sup>10</sup>] is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. [*Celina Coelho Pereira v. Ulhas Mahabaleshwar Kholkar*<sup>11</sup>] The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law

<sup>7</sup> AIR 1972 SC 1598

<sup>8</sup> AIR 1954 SC 215

<sup>9</sup> AIR 1975 SC 1297

<sup>10</sup> 2019 SCC OnLine Del 11943

<sup>11</sup> (2010) 1 SCC 217



or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.

16. Explaining the scope of jurisdiction under Article 227, this Court in *Estralla Rubber v. Dass Estate (P) Ltd*<sup>6</sup> has observed : (SCC pp. 101-102, para 6)

“6. The scope and ambit of exercise of power and jurisdiction by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to.”

19. To the same effect is the following enunciation of the law, contained in the judgment of the Supreme Court in *Puri Investments*





*v. Young Friends and Co.*<sup>12</sup>:

“14. In the case before us, occupation of a portion of the subject-premises by the three doctors stands admitted. What has been argued by the learned counsel for the appellant is that once the Tribunal had arrived at a finding on fact based on the principles of law, which have been enunciated by this Court, and reflected in the aforesaid passages quoted from the three authorities, the interference by the High Court under Article 227 of the Constitution of India was unwarranted. To persuade us to sustain the High Court's order, learned counsel appearing for the respondents has emphasized that full control over the premises was never ceded to the medical practitioners and the entry and exit to the premises in question remained under exclusive control of the respondent(s)-tenant. This is the main defence of the tenant. We have considered the submissions of the respective counsel and also gone through the decisions of the fact-finding fora and also that of the High Court. At this stage, we cannot revisit the factual aspects of the dispute. Nor can we re-appreciate evidence to assess the quality thereof, which has been considered by the two fact-finding fora. The view of the forum of first instance was reversed by the Appellate Tribunal. The High Court was conscious of the restrictive nature of jurisdiction under Article 227 of the Constitution of India. In the judgment under appeal, it has been recorded that it could not subject the decision of the appellate forum in a manner which would project as if it was sitting in appeal. It proceeded, on such observation being made, to opine that it was the duty of the supervisory Court to interdict if it was found that findings of the appellate forum were perverse. Three situations were spelt out in the judgment under appeal as to when a finding on facts or questions of law would be perverse. These are: —

- (i) Erroneous on account of non-consideration of material evidence, or
- (ii) Being conclusions which are contrary to the evidence, or
- (iii) Based on inferences that are impermissible in

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<sup>12</sup> 2022 SCC Online SC 283



law.

15. We are in agreement with the High Court's enunciation of the principles of law on scope of interference by the supervisory Court on decisions of the fact-finding forum. But having gone through the decisions of the two stages of fact-finding by the statutory fora, we are of the view that there was overstepping of this boundary by the supervisory Court. In its exercise of scrutinizing the evidence to find out if any of the three aforesaid conditions were breached, there was re-appreciation of evidence itself by the supervisory Court.

16. In our opinion, the High Court in exercise of its jurisdiction under Article 227 of the Constitution of India in the judgment under appeal had gone deep into the factual arena to disagree with the final fact-finding forum. ....”

20. The court, therefore, under Article 227 of the Constitution, functions with a narrow compass. It is concerned more with the court below which has passed the order than with the order passed by the court below. The Article 227 Court is not to examine the correctness of the order passed by the court below, or even whether it is erroneous, unless and until the error is such as would invite supervisory correction in exercise of the jurisdiction vested in the High Court by Article 227 of the Constitution of India. Even orders which are erroneous are, so long as they do not suffer from any such jurisdictional error as would invite supervisory correction, ordinarily immune from interference under Article 227. Needless to say, no court functioning under Article 227 can substitute its subjective decision, in place of the decision of the court below. Where such decision is discretionary in nature, the parameters of Article 227 are even more constricted.



21. In the present case, the impugned order dated 24<sup>th</sup> December, 2018, has taken the view that the order of *status quo* passed by this Court on 18<sup>th</sup> February, 2008 and 2<sup>nd</sup> September, 2009 would extend to user of the property at 1881 as well. This, in my opinion, cannot be said to be a view which calls for supervisory correction by this Court under Article 227 of the Constitution of India. It is a clearly plausible view of the order passed by this Court, especially as the *status quo* order dated 18<sup>th</sup> February, 2008 and reiterated on 2<sup>nd</sup> September, 2009 was unconditional in terms. Conditional *status quo* orders are commonly passed by courts directing maintenance of *status quo*, in respect of title, title and possession, construction etc. Where therefore, the order of *status quo* was unconditional, the learned ADJ cannot be said to have erred in treating the *status quo* as covering all aspects of the property at 1881, which would include user of the rooms in the guest house.

22. The High Court of Jammu & Kashmir has, in ***Ghulam Ahmad Dar v. Mushtaq Ahmad Shah***<sup>13</sup>, understood “*status quo*”, thus:

“16. It is beaten law of the land that ‘*status-quo*’ means that whatever position is existing on spot is to be maintained.

17. In Black's Law Dictionary, the word ‘*status-quo*’ has been defined as under:—

“Status-quo:— The situation that existed before something else (being discussed) occurred.”

18. In New Shorter Oxford Dictionary, the word ‘*status-quo*’ has been defined as under:—

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<sup>13</sup> AIR 2006 J&K 91



“*Status-quo*:— The existing state of affairs.”

19. In Wharton's Law Lexicon, the word ‘*status-quo*’ has been defined as under:—

“*Status-quo*:— the existing state of things at any given date; e.g., *Status quo ante bellum*, the state of things before the war.”

20. In New Webster's Dictionary, the word ‘*status-quo*’ has been defined as under:—

“*Status-quo*:— The State in which anything was or is; the existing state of affairs.

21. While going through the aforesaid definitions, one come to an inescapable conclusion that ‘*status-quo*’ means that the existing position at the time of order should not be changed which means that *in no way the features or character of the subject matter should be altered or changed.*”

23. I respectfully concur with the aforesaid understanding of the concept of *status quo*, when employed in a judicial order.

24. Read thus, I find no reason to differ with the view of the learned ADJ that, by converting one of the rooms in the guest house at 1881 into a shop, the order of *status quo* passed by this Court on 18<sup>th</sup> February, 2008, and reiterated on 2<sup>nd</sup> September, 2009 was violated. Nor consequently, does any occasion arise to interfere with the consequential direction to restore the *status quo ante*.

25. The impugned order dated 24<sup>th</sup> September, 2018, passed by the learned ADJ does not calls for any interference in exercise of the supervisory jurisdiction vested in this Court by Article 227 of the



Constitution of India.

**26.** The petition is accordingly dismissed with no order as to costs.

**C. HARI SHANKAR, J**

**MAY 31, 2022/kr**

