

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: - CCP(D) No. 20/2025 in
[LPA No. 137/2023
c/w
LPA No. 137/2023
CM No. 2238/2025
CM No. 4974/2023
CM No. 4977/2023

Dwarka Nath Sharma and others

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

Through: Mr. D.S. Saini, Advocate with
Mr. Manpreet Singh Saini, Advocate
V/s

Bishan Dutt Sharma and others

... Respondent(s)

Through: Mr. Rajinder Jamwal, Advocate

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
15.12.2025

LPA No. 137/2023

1. This is an intra Court appeal under Clause 12 of the Letters Patent against an order dated July 26, 2023 rendered by the Writ Court.
2. Learned counsel for the appellants submits a suit between the parties with regard to the subject property is already pending, thus, the appellants were the necessary party to the petition preferred by the respondent (Bishan Dutt Sharma). In fact, he submits that although names of the appellants were reflected in the memo of parties as respondent No. 12 to 16 but they were not arrayed as such in the petition. And, the petition preferred by the respondent was disposed of by the Writ Court on July 26, 2023 with a direction to the respondent-authorities to consider his claim with respect to his continuous, uninterrupted and settled possession over the land in dispute for over sixty years by passing the appropriate order.

3. It is urged that apparently the claim of the respondent is misconceived and is vehemently denied by the appellants even in the written statement filed on their behalf in the suit preferred by the respondent. So much so, the factum of the pending suit between the parties was suppressed in the petition.

4. Faced with this, learned counsel for the respondents, as always, fairly submits that to secure the interests of all the stakeholders, it would rather be expedient if the impugned order and judgment dated July 26, 2023 is set aside and the matter is remitted to the Writ Court for reconsideration and passing orders afresh. Accordingly, he submits that let the appellants be formally arrayed as respondents to the petition to enable them to submit response.

5. In the wake of the above, and as prayed by learned counsel for the parties, the impugned order and judgment dated July 26, 2023 is set aside. The matter is remitted to the Writ Court for re-decision. And, for the reasons indicated above, the appellants are arrayed as respondents to the petition.

6. We may, however, clarify that this order shall not constitute any expression or opinion on the merits of the case on either party, for, the Writ Court shall proceed to examine and decide the matter in accordance with law.

CCP(D) No. 20/2025

7. In the wake of the order of even date passed by us in LPA No. 137/2023, learned counsel for the parties submits that nothing substantive survives in the petition and the same be disposed of as having been rendered infructuous.

8. Ordered accordingly.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
15.12.2025
AKHILESH