

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

CM(M) No. 281/2025
CM No. 6466/2025

Nasar Ahmad Khan

.....Petitioner

Through: Mr. Idrees Saleem Dar, Advocate.

Vs

Niaz Ahmed

.....Respondent

Through:

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE
ORDER
(10.10.2025)

- 01.** The petitioner, through the medium of the present petition, has challenged order dated 04.08.2025 passed by learned JMJC (Sub-Judge) Surankote, whereby direction has been issued for attachment of land of the petitioner under Khasra No. 613 situated at Morha Bacchai, Tehsil Surankote in connection with recovery of an amount of Rs. 6,33,000/- against him.
- 02.** Heard and considered.
- 03.** It appears that a complaint under Section 138 of Negotiable Instruments Act, 1881 came to be filed by the respondent against the petitioner before the court of learned Judicial Magistrate 1st Class, (Sub-Judge), Surankote (trial Magistrate). The said complaint was disposed of in terms of

settlement arrived at between the parties on 11.01.2025 and an order came to be passed whereby the offence against the petitioner was compounded subject to the condition that he shall pay an amount of Rs. 02 lacs to the respondent within one and a half months and balance amount of Rs. 3.50 lacs by 31.03.2025. It was further directed that in case of default, the entire unpaid amount shall carry interest @ 06 % per annum along with additional compensation to the tune of Rs. 50,000/-.

- 04.** It appears that the petitioner failed to honour the undertaking given by him in terms of the compromise which compelled the respondent to file an application before the learned trial Magistrate who vide impugned order directed attachment of the land belonging to the petitioner for recovery of an amount of Rs. 6,33,000/-.
- 05.** The petitioner has submitted that he has paid an amount of Rs. 4,50,000/- to the respondent in presence of Panchayat on 12.04.2025 and in this regard the respondent has executed a receipt before the Panchayat. Copy of the Panchayatnama has been placed on record. It has been submitted that instead of disclosing before the Court that respondent has received an amount of Rs. 4,50,000/-, he has filed the application seeking recovery of whole of the amount.

- 06.** Having regard to the nature of controversy involved in this present petition, it will be appropriate to dispose of this petition at the threshold itself by asking the learned trial Magistrate to verify the authenticity of the Panchayatnama, copy whereof has been placed on record by the petitioner.
- 07.** Accordingly, the petition is disposed of with a direction to the learned trial Magistrate to ascertain the authenticity of the Panchayatnama dated 12.04.2025 and thereafter proceed further in the execution petition in accordance with law. It is further provided that till such time the authenticity of the Panchayatnama is ascertained by the trial Magistrate, the impugned order dated 04.08.2025 whereby land of the petitioner has been attached shall not be given effect. This shall, however, be subject to the deposition of an amount of Rs. 1.00 lakh by the petitioner before the learned trial Magistrate within two weeks from today.
- 08.** The petition stands disposed of, accordingly.
- 09.** Copy of this order be sent to the learned trial Magistrate.

(SANJAY DHAR)
JUDGE

JAMMU
10.10.2025
SUNIL

Whether the order is speaking ? : Yes/No
Whether the order is reportable ? : Yes/No