

Regular List
Serial No. 08

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

CR No. 45/2025
CM No. 7785/2025

Date of pronouncement : 08.12.2025
Uploaded on : 10.12.2025

Baldev Raj

....Petitioner

Through:- Mr. Sahil Gupta, Advocate.

V/s

Shree Vinayak Misser
Dharamshala Trust, Jammu

.....Respondent

Through:-

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)**

01. The petitioner – Baldev Raj is a defendant in an ongoing civil suit pending before the court of learned 2nd Additional District Judge, Jammu on file No. 10036/1993 titled “*Shree Vinayak Misser Dharamshala Trust vs Shri Baldev Raj*”, meaning thereby the institution of the suit dates back to 1993.

02. The suit preferred by the respondent is for possession of the suit land/property.

03. When the suit came to enter the stage of final arguments, the petitioner came forward with an application purportedly invoking section 151 of the Jammu & Kashmir Code of Civil Procedure, Svt., 1977 for the purpose of summoning the Assistant Commissioner (Revenue) Nazool along with the record stating that summoning of the said witness along with the record is crucial in adjudication of the dispute from the stand point of the petitioner as a defendant.

04. Said application of the petitioner has been *dismissed* by the trial court of learned 2nd Additional District Judge, Jammu, by virtue of an order dated 16.10.2025.

05. The court of learned 2nd Additional District Judge, Jammu has come up with an express mention that the civil suit in reference is a target case having pendency of more than 30 years and, therefore, filing of the application, that too at the stage when even final arguments in the case stood advanced, is nothing but misconceived endeavor on the part of the petitioner, as a defendant, which is going to further delay in the *disposal* of the case.

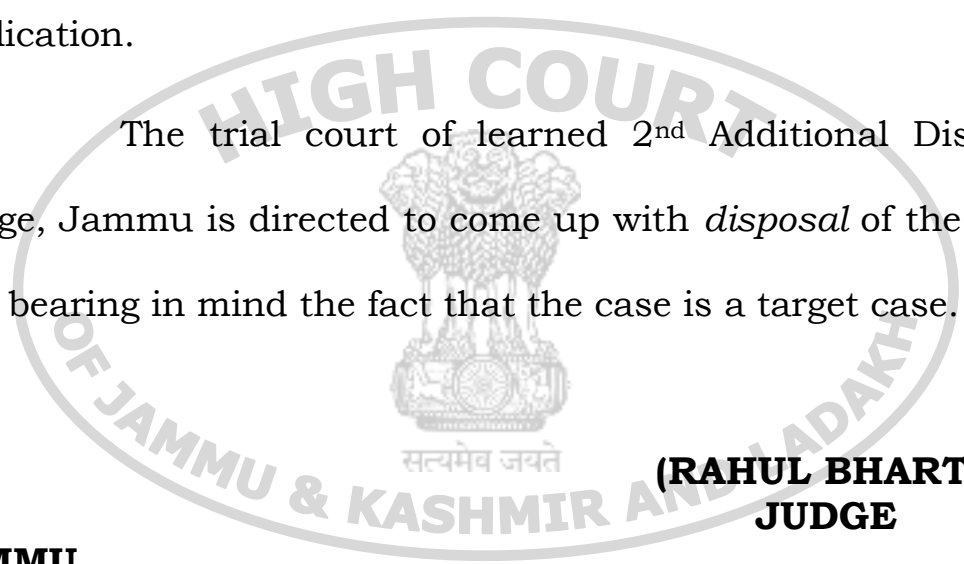
06. The court of learned 2nd Additional District Judge, Jammu, has further stated that provisions of section 151 of the Jammu & Kashmir Code of Civil Procedure, Svt., 1977 is meant to be invoked only in the circumstances where a civil court deems it proper, for just decision of the case, to invoke the inherent power so reserved under said section, which in

the present case is not available, and, therefore, the rejection of the application was the only inevitable end meant to be served to the application.

07. The petitioner comes forward with the present revision petition under section 115 of the Jammu & Kashmir Code of Civil Procedure, Svt., 1977.

08. This Court finds no reason and basis, be it factual as well as legal, to find fault with the impugned order, as such, revision petition is ***dismissed*** in *limine* along with connected application.

09. The trial court of learned 2nd Additional District Judge, Jammu is directed to come up with *disposal* of the civil suit bearing in mind the fact that the case is a target case.



(RAHUL BHARTI)
JUDGE

JAMMU
08.12.2025

Bunty

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No