

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

**WP(C) No. 3670/2025
CM No. 8375/2025**

**Chief Secretary to Govt. of J&K and
Ors.**

.....Petitioners

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Nazia Fazal, Assisting Counsel

Vs

Jia Lal Raina.

..... Respondent

Through:

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(23.12.2025)**

- 01.** Though this Court is not cherishing the manner in which the Government of Union Territory of Jammu and Kashmir is taking liberty of invoking the jurisdiction of this Court by acting upon the whims and fancies of its Law Department officials by sidelining the opinion and instructions of Senior Additional Advocate General or for that matter other Government counsel who are to represent the Government of Union Territory of Jammu and Kashmir in the matter before this Court and that position is reflected from the present petition but nevertheless this Court is venturing to show indulgence.

- 02.** In a civil suit filed by one **Jia Lal Raina son of Kanth Ram Raina Vs. State of J&K & Ors.**, money compensation decree dated **29.11.2008** came to be passed by the court of Additional District Judge, Jammu which came to be assailed by three of five judgment debtors in a **Civil First Appeal CFA No. 1/2010** before this Court in which, by virtue of an order dated **14.03.2011**, the appellants/judgment debtors-who being the Chief Secretary, Government of J&K ; Director General of Police-DGP, J&K, and the Deputy Inspector General of Police-DIG, Kashmir Range, Srinagar came to be directed to deposit an amount of **Rs. 7,00,000/-** attending the institution of said civil first appeal and which amount is said to have been deposited on **05.04.2011**.
- 03.** Later on, said appeal **CFA No. 1/2010** is said to have suffered dismissal for non-prosecution on **21.09.2021** resulting in vacation of the interim direction by default.
- 04.** For readmission of said civil first appeal, the appellants are said to have preferred a time-barred restoration application **CM No. 7787/2025** which is said to be pending consideration before this Court.
- 05.** The plaintiff/decreed holder-Jia Lal Raina expired on 29.11.2017. Said decreed holder/plaintiff-Jai Lal Raina was figuring as respondent No. 1 in the Civil First Appeal CFA

No. 1/2010 and upon his death his legal representatives had submitted an application IA No. 1/2018 for being brought on record but before they could be brought on record the appeal had come to suffer dismissal for non-prosecution in terms of an order dated 21.09.2021.

06. Post deposit of Rs. 7,00,000/-, an amount of Rs. 5,00,000/- is said to have been released in favour of the decree holder/plaintiff-Jia Lal Raina during his lifetime with a remainder of Rs. 2,00,000/- still lying in deposit with this Court at the time of dismissal of the appeal for non-prosecution and for seeking release of which the legal representatives have been come forward with an application.

07. In the meantime, the executing court of Additional District Judge (Commercial Court), Jammu by virtue of an order dated 10.12.2025, being seized of execution petition is taking the execution of the decree to its logical conclusion for which the judgment debtors/the petitioners herein have been directed to deposit the decretal amount in the Court with a simultaneous direction to furnish the account details of the judgment debtors for the purpose of attachment.

08. An order to this effect has been passed by the court of Additional District Judge (Commercial Court), Jammu on

10.12.2025 which has left the judgment debtors/petitioners nonplus to rush to this Court with present petition acting on the dictate of the Assistant Legal Remembrancer, Department of Law, Justice and Parliamentary Affairs in terms of **communication No. LAW-LIT5/3041/2025-10 dated 19.12.2025** urging the Senior Additional Advocate General to file writ petition under article 226 read with article 227 of the Constitution of India.

- 09.** The petitioners who are actually in the role of judgment debtors/appellants are desperate to somehow escape the attachment of Account Head.
- 10.** Such is the state of desperation of the petitioners that the respondent named in the present petition is a dead person i.e. Jia Lal Raina.
- 11.** This Court is reserving its resentment from being expressly stated in this order with respect to the manner in which the legal affairs are being attended to at the end of none else than the top tier of Civil and Police Administration of the Union Territory of Jammu and Kashmir.
- 12.** This petition is disposed of with a request to the court of Additional District Judge (Commercial Court), Jammu to defer the operation of the direction in order dated 10.12.2025 with respect to deposit of the decretal amount

with the Executing Court and also for furnishing of account details of the judgment debtors/appellants for the attachment purposes, for a period of next two months so as to provide time to the petitioners herein to approach the first appellate court which is also this Court in connection with its pending restoration application to seek the indulgence by laying motion to the effect for interim directions till the outcome of application seeking re-admission of the appeal.

13. A copy of this order be forwarded to the court of Additional District Judge (Commercial Court), Jammu by Registrar Judicial, Jammu for the sake of notice and compliance.
14. A copy of this order be also provided to Mrs. Monika Kohli, learned Senior AAG under the seal and signatures of the Bench Secretary of this Court.

(RAHUL BHARTI)
JUDGE

JAMMU
23.12.2025
SUNIL