

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

**CR 46/2025
CM(5467/2025)**

**Chairman Election Board ...Petitioner(s)
(Kashmir Valley Fruit Buyers And
Forwarding Agents Union) And
Anr.**

Through: Mr. Mohammad Amin Bhat, Advocate.

Vs.

Mohammad Ramzan Bhat & Ors. ...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

09.09.2025

01. In a civil suit preferred by three respondents before the court of learned Civil Judge Sr. Division (Chief Judicial Magistrate), Baramulla at Sopore, a decree for permanent prohibitory injunction has been claimed for restraining the petitioners herein from conducting the elections for the President of Kashmir Valley Fruit Buyers and Forwarding Agents Union, Fruit Mandi, Sopore till publication of statement of accounts by previous President, mentioning income and expenditure and utilization of funds and also simultaneously seeking a decree of

mandatory injunction meant for the petitioners to carry out.

02. The trial court of Civil Judge Sr. Division (Chief Judicial Magistrate), Baramulla at Sopore by virtue of an order dated **18.12.2024** came to restrain the petitioners from undertaking any election process and further restraining them from undertaking any construction at the premises of Fruit Mandi Sopore in violation of the mandate provided by the Constitution of the Kashmir Valley Fruit Buyers and Forwarding Agents Association.

03. The petitioners are aggrieved that in the garb of directing implementation of said order dated **18.12.2024**, the court of Civil Judge Sr. Division (Chief Judicial Magistrate), Baramulla at Sopore has improvised the order by directions set out in para 10 and also directing the SHO Police Station, Sopore to ensure that no unauthorized fund collection or directive issuance takes place within the premises of Fruit Mandi by the petitioners or the persons acting on their behalf.

04. It is said direction imparted in para 10 and 12 of the order dated **02.08.2025** passed by the

court of Civil Judge Sr. Division/Chief Judicial Magistrate, Baramulla at Sopore which is being assailed by the petitioners.

05. This petition is disposed of at its inception stage by setting aside the direction meant for SHO Police Station, Sopore with respect to the petitioners' collection of fund with respect to premises of Fruit Mandi, Sopore. The court of Civil Judge Sr. Division (Chief Judicial Magistrate), Baramulla at Sopore if intended to pass any such restraint against the petitioners with respect to collection of any fee/ subscription/fund with respect to user of the premises of Fruit Mandi, Sopore, then there should have been an application to the said effect by either of the parties to the civil suit, whereupon an adjudication could have led to any such direction on merits.

06. When this Court considers the scope of the civil suit filed by the respondents, the direction issued by the court of Civil Judge Sr. Division (Chief Judicial Magistrate), Baramulla at Sopore to the SHO, Police Station, Sopore seems to be out of sync with the subject matter of the civil suit.

07. The petition is thus **disposed** of by setting aside the direction issued by the court of Civil Judge Sr. Division (Chief Judicial Magistrate), Baramulla at Sopore to the SHO, Police Station Sopore, as set out in para 10 and 12 of the impugned order.

(RAHUL BHARTI)
JUDGE

SRINAGAR:

09.09.2025

"HAMID"

