

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

CR 25/2018

Bashir Ahmad And Ors.

...Petitioner(s)

Through: None.

Vs.

Jawahar Lal Koul & Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
01.09.2025

01. In terms of an order dated **26.08.2025** it was made clear by this court that in the event of non-appearance of the counsel for the petitioners on the next date of hearing which is today, the case shall be considered on merits and that constrains this Court to decide the revision petition on merits notwithstanding default in appearance of the counsel for the petitioners.

02. Through the medium of this revision petition under section 115 of the Jammu and Kashmir Code

of Civil Procedure Svt. 1977, an order dated **03.12.2014** passed by the court of learned Additional District Judge, Srinagar in a civil suit on file No. **35/Numbri (08/Numbri) of 1988 (2011)** has been called in question.

03. In terms of the impugned order, the court of the learned Additional District Judge, Srinagar came to hold that the suit filed by the plaintiff-Shri Prem Nath Jalali who is now no more and is being represented by his legal representatives figuring at Serial No. 1 to 4 as contesting respondents herein, is maintainable.

04. The court of Additional District Judge, Srinagar came to hold the maintainability of the civil suit after getting a reference input from the Collector Agrarian Reforms, Srinagar as to whether the suit land is land under the Agrarian Reforms Act, 1976 or not which came up with the conformation that the suit land is recorded as **Non-Agricultural/Bagi Khushki** and, therefore, not covered under the Agrarian Reforms Act, 1976 and accordingly, the suit filed by the plaintiff-Prem Nath Jalali for declaration,

possession and injunction was very much maintainable.

05. It is important to bear in mind the fact that it is by way of an application under Order 7 Rule 11 of the Jammu and Kashmir Code of Civil Procedure, Svt. 1977 filed by the defendants that the learned court of Additional District Judge, Srinagar had referred the point about identification of the nature of the suit land to the Collector, Agrarian Reforms, Srinagar and thus, it is the defendants who risked the outcome of the enquiry with respect to nature of the suit land.

06. Accordingly, this court finds no illegality or infirmity in the impugned order dated **03.12.2014** passed by the court of the Additional District Judge, Srinagar in holding the suit maintainable by reference to the nature of the suit land and thus, this revision petition is held to be misconceived, hence, **dismissed.**

07. The Additional District Judge, Srinagar is directed to revive the proceedings on the civil suit, if held up because of pendency of this civil revision which is getting disposed of in terms of this order.

08. A copy of this order be sent by the learned Registrar Judicial, Srinagar, to the Additional District Judge, Srinagar for notice and record.

(RAHUL BHARTI)
JUDGE

SRINAGAR:

01.09.2025

"HAMID"

