

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

CM(M) No. 526/2025
CM No. 7867/2025

Ghulam Mohammad and Ors. ...Appellant/Petitioner(s)

Through: Mr. Mohammad Ashraf Wani, Advocate

Vs.

Ghulam Mohammad Beigh and Ors. ...Respondent(s)

Through:

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
01.12.2025

1. The petitioners have called in question order dated 19.09.2025 passed by the Court of Principal District Judge, Shopian, in “*Ghulam Mohammad and Ors. v. Gh. Mohammad Beigh & Ors.*”, the operative portion whereof reads as under:-

“Taken a cumulative note of all the circumstances stated above, without any hair splitting, suffice to state is that undoubtedly the impugned order passed in the application under Section 114 read with Section 151/153 of CPC for review/modification of order dated 25.10.2024 appears to have been recorded by the Trial Court in utter disregard of law and fundamental principles of judicial procedure. That being so, the impugned order is unsustainable under law and warrants reconsideration at the Trial Court level after hearing both the parties afresh and pass the fresh order accordingly. Matter is remanded to the Trial Court with a direction to the ld. Trial Judge to re-proceed in the application from the stage immediately proceeding on 04.11.2023 in accordance with law after hearing both the parties afresh and decide the application filed by the defendants under Section 114 read with Section 151/153 of CPC for review/modification of order dated 25.10.2024 within a period of 20 days from the date of receipt of this order. The copy of this order be send down to learned Sub Judge, Shopian for information and compliance. Parties shall appear before the learned Trial Court on 13.10.2025.”

Appeal along with all ancillary applications, if any, stands disposed of accordingly. The interim order dated 23.02.2023 passed by this Court stand revoked. File after due compilation be consigned to records”.

2. From the perusal of the said order, it is evident that the Appellate Court has remanded the matter to the Trial Court with a direction to re-proceed in the application from the stage immediately proceeding on 04.11.2023 in accordance with law, after hearing both parties afresh, and to decide the application filed by the defendants under Section 114 read with Section 151/153 of CPC for review/modification of order dated 25.10.2024 within a period of 20 days from the date of receipt of the order.
3. Having considered the matter, this Court does not find any illegality or infirmity in the order passed by the Appellate Court so as to warrant interference. NO ground for interference is, therefore, made out and the petition is accordingly **dismissed**. However, the Trial Court shall hear the parties and decide the application on its merits, and while doing so, shall also take into consideration the objections of petitioner herein regarding the maintainability of application.
4. The Trial Court shall complete the exercise within 20 days from the date a certified copy of this order is made available to it.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR

01.12.2025

Manzoor