Sr. No. 07

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

PA No.1/2026

Pronounced on: 07.04.2026
Uploaded on: 07.04.2026

Bodh Raj .....Petitioner(s)

Through: None

Vs

Madan Lal and others .....Respondent(s)

Through:

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
07.04.2026

1. Learned Principal District Judge, Samba, before whom aforetitled petition under Section 64 of the Probate and Administration Act, 1977 is pending, has recused himself to hear the matter for personal reasons and submitted the file to this Court with a request to transfer the case to any other Court of competent jurisdiction. It is stated that the Additional District, Samba has not been vested with the powers for grant of probate and letter of administration.

2. In accordance with the provisions of the Probate and Administration Act, 1977, the authority to grant probate and letters of administration is vested exclusively in the District Judge. Furthermore, as defined under Section 3 of the Act, the term 'District Judge' refers to the Judge of a principal civil court of original jurisdiction. Therefore, the present matter falls within the exclusive jurisdiction of the District Judge, and since the Principal District Judge, Samba has recused himself from hearing the matter on personal grounds, therefore, it would be appropriate to transfer the case from the

files of Principal District Judge, Samba to the Principal District Judge of the nearby District.

3. In view of the above, File No.01/Prob. titled *Bodh Raj v. Madan Lal and others* is transferred from the files of Principal District Judge, Samba to the Principal District Judge, Jammu for its disposal under law. The Principal District Judge, Jammu shall issue notice to both the parties for their appearance before him.

4. Registry shall transmit the record to case received from the Principal District Judge, Samba to the Principal District Judge, Jammu forthwith along with copy of this order. A copy of this order be also sent to the Principal District Judge, Samba.

5. Disposed of accordingly.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Moksha Khajuria Kazmi)
Judge

Jammu
07.04.2026
Vinod, Secy

Whether the order is reportable: No

Vinod Kumar
2026.04.07 16:56
I attest to the accuracy and
integrity of this document