

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

Date of Pronouncement : 03.06.2026
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TrP (C) No. 14/2026
CM No. 3636/2026

Imtiyaz Ahmed Wani

.....Petitioner

Through: Mr. Raghav Sawhney, Advocate

Vs

Imtiyaz Hussain & Ors.

.....Respondents

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(03.06.2026)

01. The petitioner self chose to institute his civil suit on **file No. OS/3260/2026 on 28.03.2026** before the court of learned 1st Additional District Judge, Jammu wherein it is pending adjudication.

02. In the civil suit, the petitioner has named seven defendants.

03. The suit filed by the petitioner is for the following reliefs :-

A. "Declaration of the deed of Guarantee dated 20.04.2024 as null and void ab-initio;

B. Permanent Prohibition Injunction by restraining the defendants from interfering with bank account of plaintiff having A/C no. 0119265300007052 at J&K Bank Ltd, Branch: Khellanni (Pull Doda);

C. Directing in the nature of mandatory injunction and/or otherwise against the defendants to forthwith remove the unlawful lien/hold/charge/encumbrance/etc created upon the plaintiff's above said account which at the instance of filing of suit amounts to Rs 1,25,000/-

D. Recovery of money that was deducted illegal from the bank account having A/C no. 0119265300007052 at J&K Bank Ltd, Branch: Khellanni (Pull Doda), in pursuance to the realisation of loan amount concerning the deed of Guarantee which at the date of filing of the filing of the instant suit stands at Rupees 2,86,958/- along with 12% per annum compounded interest from the date of deduction till the realization of the same”.

04. The court of learned 1st Additional District Judge, Jammu, by virtue of an ex-parte ad interim order dated **15.04.2026**, came to restrain the defendant No. 7 i.e. Jammu and Kashmir Bank Limited, Branch Udrana

Bhaderwah, J&K, **from interfering with smooth functioning of bank account of the petitioner at J&K Bank Limited, Branch, Khellanni (Pull Doda) and also from deducting any installment of loan amount from the said account.**

- 05.** In the civil suit, upon service the defendants No. 3, 4 and 7, all being J&K Bank related, appeared and submitted written statements.
- 06.** Obviously, the appearing defendants No. 3, 4 and 7 are the main contesting defendants to the civil suit given the fact that the bank guarantee furnished by the petitioner is drawn upon J&K Bank Limited.
- 07.** The defendants No. 3, 4 and 7 in their written statements have taken up a preliminary objection that the suit is not maintainable before the court of learned 1st Additional District Judge, Jammu as the cause of action for the petitioner to sue the defendants as forthcoming from the plaint averments has accrued at Bhaderwah (Doda).
- 08.** The petitioner has come forward with present petition under **Section 24 of the Code of Civil Procedure, 1908** seeking indulgence of this Court to transfer the suit from

the court of learned 1st Additional District Judge, Jammu to the court of learned Principal District Judge, Doda (Bhaderwah).

09. In his suit, the petitioner has pleaded in para-16 that the cause of action pertains to Jammu District as the defendants voluntarily carry out businesses in the territorial jurisdiction of the court of learned 1st Additional District Judge, Jammu.
10. On what basis the said plea has been made in para-16 by the petitioner as a plaintiff is only known to the petitioner in the face of the fact that all the defendants named in the suit except defendants No. 5 and 6 are all District Doda related and situated.
11. It appears that the disguised purpose of the petitioner in filing the present petition under **Section 24 of the Code of Civil Procedure, 1908** by citing and quoting **subsection (5)** thereof is an attempt on the part of the petitioner to salvage the interim direction which he has earned from the trial court of learned 1st Additional District Judge, Jammu as in the eventuality of this Court falling into the trap of the petitioner in ordering the transfer of the suit from the court of learned 1st

Additional District Judge, Jammu to the court of learned Principal District Judge, Doda, the operation of the interim direction in the suit would be getting saved and this is what the petitioner actually has in mind in the garb of seeking the transfer of the suit.

- 12.** If the petitioner filed the suit knowingly well in advance that the institution of the suit ought to have been before the court of learned Principal District Judge, Doda (Bhaderwah) but still preferred the filing of the suit before the court of learned 1st Additional District Judge, Jammu then **Order 7 Rule 10 and 10-A of the Code of Civil Procedure, 1908** is supposed to take its effect and that is for the court of learned 1st Additional District Judge, Jammu to consider and give it.
- 13.** Therefore, this Court is not inclined to grant indulgence at the instance of the petitioner leaving it free for the court of learned 1st Additional District Judge, Jammu to take notice of the preliminary objections of the appearing defendants No. 3, 4 and 7 and deal with the same notwithstanding the fact that other defendants are yet to be served in the civil suit.

14. This petition is accordingly, **dismissed** along with connected application/s.
15. A copy of this order be forwarded to the court of learned 1st Additional District Judge, Jammu for notice and record purpose.

(RAHUL BHARTI)
JUDGE

JAMMU
03.06.2026
SUNIL

