

02
Supp

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(Through Virtual Mode)

RFA No. 39/2026 CM Nos. 4500/2026 & 4501/2026

**UT OF JAND K THROUGH COMMISSIOENR SECRETARY PUBLIC
WORKS (R AND B) DEPTT AND ORS. Appellant(s)**

Through: Mr. Ravinder Gupta, AAG.
(through VC)

**M/S BADRI NATH CONTRACTORS THROUGH ITS PROPRIETOR BADRI
NATH JAMMU**

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Rajnesh Oswal, Judge
Hon'ble Mr. Justice M. A Chowdhary, Judge

JUDGEMENT

CM No. 4500/2026:

1. For the reasons set out in the application, the same is allowed and the delay of 166 days in filing the appeal against the judgment and decree dated 04.10.2025 is condoned. The main appeal is taken up on board.
2. CM disposed of.

RFA No. 39/2026:

1. This appeal is directed against the judgment and decree dated 04.10.2025 by virtue of which Additional District Judge

(Commercial Court) Jammu (hereinafter referred to as the trial court) has decreed the suit for recovery of an amount of Rs. 7,43,777/- preferred by the respondent.

2. The appellant has assailed the judgment and decree on the ground that the learned trial court has grossly erred in treating the statement of the Executive Engineer of the appellants as admission of liability of Rs. 7,43,777/- while passing the impugned judgment. It is further contended that the learned trial court in view of the pleadings of the parties was required to frame issues, which has not been done in the instant case. It is also urged that the plea of limitation raised in the written statement being mixed question of law and facts, was required to be decided after full-fledged trial.
3. Heard learned counsel for the appellant and perused the record.
4. A suit came to be preferred by the respondent for recovery of an amount of Rs. 7,43,777/- on account of various works executed by the respondent as detailed in para (2) of the plaint.

5. The written statement was filed by the appellants (defendants in the suit), wherein besides raising preliminary objections it was stated that vide Letter No. 1963-65 dated 24.10.2019, the appellant No. 4 had requisitioned the funds to the tune of Rs. 10.16 lacs for clearing the work done claim from the appellant No. 2. It was stated that an amount of Rs. 2,72,600/- was released in favour of the respondent in March 2020 and rest of the amount of Rs. 7,43,777/- had been demanded under relevant head so that the claims of the respondent are processed after verification of the site and following due procedure.
6. The statement under Section 10 of Code of Civil Procedure of Sh. Sanjay Anand, Executive Engineer, PWD (R&B) Division R.S Pura was recorded who stated that an amount of Rs. 7,43,777/- has been demanded by him time and again from the Superintending Engineer and the Division has not released the said amount. As and when the Division would release the amount, the same would be paid to him.
7. The learned trial court after considering the written statement and statement made by Sh. Sanjay Anand, Executive

Engineer, PWD (R&B) Division R.S Pura, making observations that there are no factual issues between the parties, decreed the suit vide impugned judgment/decree.

8. Once in the written statement the appellants herein have admitted that an amount of Rs. 7,43,777/- has been demanded under relevant head and the same shall be released after proper verification of the site and following due procedure and more particularly in view of the statement made by Sh. Sanjay Anand, Executive Engineer, PWD (R&B), R.S Pura, we do not find any reason to show indulgence. The appeal lacks merit and is, accordingly, dismissed. Decree sheet be prepared.

(M. A Chowdhary)
Judge

(Rajnish Oswal)
Judge

SRINAGAR

02.09.2026

Aasif

Whether the order is speaking Yes/No

Whether the order is reportable Yes/No