

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

WP(C) No. 2828/2026

Ishar Dass and another

.....Appellant(s)/Petitioner(s)

Through: Mr. Ajay Kumar, Advocate.

vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Meharban Singh, AAG.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER (ORAL)

08.09.2026

1. Through the medium of present writ petition, the petitioners have sought partial quashment of order No. 29/PDD/ST of 2025 dated 30.05.2025 passed by the respondent No. 1. The petitioners have also sought a mandamus directing the respondents to pay further sum of Rs. 7.00 lacs along with interest at the rate of 10 percent per annum in their favour.
2. **Heard and considered.**
3. It appears that the petitioners had filed a suit before the learned Additional District Judge, Udhampur seeking compensation from the respondents on account of death of Sh. Balbir Singh who happened to be son of the petitioners.
4. Vide order dated 05.09.2023 passed by the learned trial court, while taking note of the recommendation made by the Electricity Department for grant of ex-gratia relief to the family of the deceased, directed the Power Development Department to file status of

compensation case of electrocution of Balbir Singh. Thereafter, vide order dated 19.04.2025, learned trial court again directed the Electricity Department to file status the report, but on 23.08.2025, learned trial court returned the plaint on the ground that the said court does not have jurisdiction to entertain the suit.

5. It seems that the petitioners applied for review of the aforesaid order before the learned trial court and vide order dated 11.04.2026, order dated 23.08.2025 was reviewed and the suit was restored.
6. On 11.04.2026, learned trial court disposed of the suit by directing the respondents to pay ex-gratia relief of Rs. 3.00 Lacs in favour of the petitioners in terms of impugned order bearing No. 29/PDD/ST of 2025 dated 30.05.2025. While disposing of the suit, learned trial court noted that the plaintiffs are seeking higher compensation on the grounds of parity, but despite this, the learned trial court proceeded to dispose of the suit without framing issues and recording any evidence.
7. The petitioners, instead of challenging order dated 11.04.2026 passed by the learned trial court, have filed the present writ petition seeking enhanced compensation.
8. It is a settled law that when a litigant has an alternative and efficacious remedy available to him, he cannot maintain a writ petition. In the present case, the petitioners have the remedy of filing an appeal against the order passed by the learned trial court, whereby their suit has been disposed of, but instead of doing so, they have filed the present writ petition, which is held not to be maintainable.

9. Accordingly, the instant writ petition, along with the connected application, if any, is **dismissed**, leaving the petitioners free to challenge the order passed by the learned trial court by way of appropriate proceedings.

(SANJAY DHAR)
JUDGE

Jammu
08.09.2026
Sahil Padha

