

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CM(M) No. 295/2025

Keshav

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

Through:- Mr. Sachin Gupta, Advocate with
Ms. Arsha Sharma, Advocate.

V/s

Sunil Kumar

.....Respondent(s)

Through:- Mr. Rajesh Raina, Sr. Advocate with
Mr. Rishu Rajeshwar, Advocate.

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

ORDER

05.10.2026.

1. The petitioner through the medium of the present petition has challenged order dated 19.09.2025 passed by the learned First Additional District Judge, Jammu whereby the premises let out to the petitioner by the respondent has been directed to be attached on account of the petitioner's failure to respond to the show-cause notice and his failure to deposit the electricity charges.

2. Heard learned counsel for the parties and perused the material on record.

3. It appears that the respondent has filed a suit for eviction against the petitioner in respect of a commercial building situated at 87, B. C. Road, Jammu. As per the case of the respondent-plaintiff, the petitioner is in arrears of rent amounting to Rs. 4,85,625/- from December, 2023 till date of filing of the suit. It is the further case of the plaintiff/respondent that the petitioner-defendant has failed to clear the outstanding electricity bills,

which according to the respondent, amount to Rs. 5.5 lacs approximately due to which the electricity connection has been disconnected thereby rendering the suit premises uninhabitable.

4. It appears that in the aforesaid circumstances, the learned trial Court passed order dated 14.08.2025 asking the petitioner-defendant to show-cause as to why the premises rented out by the plaintiff be not attached as the defendant has failed to comply with order dated 18.07.2025 whereby he was directed to clear electricity bills. It seems that the petitioner did not respond to the show-cause notice. This led to passing of direction for attachment of the suit premises, which is made challenge in the present petition. On 28.10.2025, an interim order came to be passed by this Court whereby the impugned order passed by the learned trial Court was stayed with a direction to the petitioner to deposit an amount of Rs. 2 lac with the Registry of this Court within a period of 15 days from the date of passing of the said order. The record shows that the petitioner has not deposited the amount of Rs. 2 lacs with the Registry of this Court.

5. Having regard to the controversy involved in this petition, the same can be disposed of by giving the petitioner one opportunity of filing the reply to the show-cause notice issued to him by the trial Court so that the trial Court after taking into consideration the reply to the show-cause notice would be in a position to pass a fresh order on merits after hearing the parties.

6. The present petition is, accordingly, **disposed of** with liberty to the petitioner to file reply to the show-cause notice issued by the trial Court within 15 days from today, whereafter the learned trial Court shall pass a

fresh order in accordance with law after hearing the parties. Till such time, fresh order is passed by the trial Court, the impugned order shall not be given effect.

7. A copy of this order be sent to the trial Court forthwith.

(Sanjay Dhar)
Judge

JAMMU
05.10.2026
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