

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

TrP (C) No. 28/2025

Date of Pronouncement: 17.07.2026.

Uploaded on : 20.07.2026

01. Brij Nath Pandit.
S/o Late Ram Chand Pandit.

02. Avtar Krishan Pandit,
S/o Sh. Neel Kanth Pandit
Both residents of Village Mohri Pora
Tehsil Kokernag District Anantnag.
At Present Quarter No. C-2, TRT
Nagrota Camp, Jammu.

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

Through: Mr. P.N. Bhat, Advocate.

vs

01. Bashir Ahmad Ganie S/o Abdul Aziz Ganie.

02. Ishfaq Ahmad Ganie
S/o Late Ali Mohd. Ganie.

03. Asra Ali D/o Late Ali Ganie.

04. Nigneena Akhter Ganie

W/o Late Ali Mohd. Ganie.
All residents of Village Mohri Pora,
Achabal, Tehsil Kokernag, District Anantnag.

..... Respondent(s)

Through: Mr. P.S. Ahmed, Advocate
(Through Virtual Mode)

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

ORDER
17.07.2026

01. The petitioners, who are the defendants in a civil suit pending before the Court of the learned Sub-Judge/Special Mobile Magistrate, Anantnag, has approached this Court by way of filing TrP(C) No. 28/2025, seeking transfer of the said suit to a Court of competent jurisdiction at Jammu,

stating that they migrated from Kashmir Valley in the year 1990 and came to be registered as migrants with Relief organization at Jammu. They are absolute owners in possession of land measuring 24 kanals falling under Survey Nos. 137, 198, 198/1, 467, 144 and 199, situated at Village Mohri Pora, Tehsil Kokernag, District Anantnag.

02. It is submitted that the respondents allegedly encroached upon the said land, pursuant to which the petitioners approached the Deputy Commissioner, Anantnag (Custodian of Migrant Property). However, encroachment was not removed, the petitioners filed OWP No. 832/2017, which was disposed of on 01.06.2017 with directions to the authorities. As the judgment was not implemented, the petitioners initiated contempt proceedings. During the said proceedings, the Deputy Commissioner, Anantnag initiated eviction proceedings and passed Order No. 27 of 2024 dated 13.11.2024, constituting a committee comprising revenue officials for removal of encroachment. The committee, after conducting spot verification, found the petitioners' claim valid, removed the encroachment and handed over possession of the land to the petitioners.
03. The petitioners alleged that the respondents are again attempting to encroach upon the land and are extending threats to the petitioners. It is further alleged that the respondents, after their eviction, filed a civil suit before the Court of Sub-Judge, Special Mobile Magistrate, Anantnag, relying upon an alleged agreement executed on plain paper, and obtained an order dated 24.09.2025 directing maintenance of status quo.

04. It is submitted that the petitioners seek transfer of the civil suit on the grounds that they are senior citizens and are unable to effectively contest the suit before the Trial Court at Anantnag due to their advanced age and petitioners apprehend a serious threat to their life from the respondents, who have allegedly threatened them with physical harm if they appear before the Trial Court.
05. It is further submitted that they are migrants and have no residence or relatives in the Kashmir Valley, making it extremely difficult for them to pursue the litigation at Anantnag. Moreover, the suit is not maintainable in view of Section 3 of the Jammu and Kashmir Migrants (Stay of Proceedings) Act, 1997, which provides for stay of proceedings against migrants in respect of immovable property situated in the Kashmir Division until notified otherwise by the Government.
06. During the course of arguments, learned counsel for the respondents stated that the respondents have no objection if the suit is transferred from the Court of learned Sub-Judge/Special Mobile Magistrate, Anantnag, to the Court of learned Chief Judicial Magistrate (CJM), Ramban.
07. After hearing learned counsel for the parties at length and with the consensus of both the parties, the present transfer petition is ***disposed of***, by directing that the suit pending before the Court the learned Sub-Judge/Special Mobile Magistrate, Anantnag shall stand transferred to the Court of learned Chief Judicial Magistrate (CJM), Ramban, for disposal in accordance with law where the parties through counsels shall cause their appearance on **31.08.2026**. The learned trial Court shall transmit the entire

record forthwith to the transferee Court, which shall thereafter proceed with the matter from the stage at which it is received and decide the suit expeditiously in accordance with law.

08. Copy of this order be notified to Court of the learned Sub-Judge/Special Mobile Magistrate, Anantnag and the transferee Court.

(Sanjay Parihar)
Judge

Jammu
17.07.2026
Renu

