

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**CM(M) 41/2026
CM(574/2026)**

Abdul Rehman Wagay Gawgojree

...Petitioner(s)

Through: Ms. Nighat Amin, Advocate vice
Mr. Bhat Fayaz, Advocate

Vs.

Nazir Ahmad Wagay and Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

11.02.2026

1. The respondents No. 1 and 2 namely Nazir Ahmad Wagay (Gowgojree) and Abdul Rashid Gowgojree, are the plaintiffs in a civil suit maintained before the Court of Munsiff, Shangus instituted on 13.03.2019.

2. In the suit, there are nine (09) defendants in the array of defendants.

3. The petitioner-Abdul Rehman Wagay (Gowgojree) is the defendant No. 1.

4. The Court of Munsiff, Shangus, by virtue of an order dated 18.06.2025, came to dispose of a temporary injunction application under Order XXXIX of the Jammu and Kashmir Code of Civil Procedure Svt., 1977 directing

the parties to the suit to maintain status quo with respect to nature and user of the suit property in the form of land measuring 3.13 kanals and 5 sarsai comprised in Survey Nos. 26, 27, 114, 115, 116, 125 and 129 of mouza Kanganhall Tehsil and District Anantnag.

5. Against said status quo direction in the form of an injunctory direction under Order XXXIX Rules 1 and 2 of the Jammu & Kashmir Code of Civil Procedure Svt., 1977 to last till pendency of the civil suit, the petitioner herein, as aggrieved defendant No. 1, came to prefer civil miscellaneous appeal under Order 43 Rule 1(r) of the Jammu & Kashmir Code of Civil Procedure Svt., 1977 before the Court of Principal District Judge, Anantnag wherein it has been diarized on File No. C.A. No. 9 dated 26.06.2025.

6. The grievance of the petitioner which has purportedly constrained him to come up with the present petition under Article 227 of the Constitution of India invoking the supervisory jurisdiction of this Court, is that the miscellaneous appeal so preferred and pending before the Court of Principal District Judge, Anantnag instead of being adjudicated, is gathering adjournments on asking on each and every date of hearing.

7. In order to lend confirmation to this fact, the petitioner has come forward with certified copies of the

order sheets, from a perusal whereof it is forthcoming that the appellate Court of learned Principal District Judge, Anantnag is affording easy adjournments being not mindful of the fact that an appeal under Order 43 Rule 1(r) of the Jammu & Kashmir Code of Civil Procedure Svt., 1977 is in fact an appeal on principle rather than an appeal of factual side and, therefore, more than six months of pendency of an appeal of such a nature before Court of Principal District Judge is not a good reflection on the adjudication of civil matters.

8. This Court, therefore, disposes of this petition with a request to the learned Principal District Judge, Anantnag to endeavor to adjudicate the appeal within a period of one month by or before 31.01.2026 positively, unless and until for some exceptional reasons the learned Principal District Judge, Anantnag is not able to carry out requisite adjudication then extension of time may be solicited by laying a motion to that effect.

9. Copy of this order be forwarded by the Registrar Judicial, Srinagar to the learned Principal District Judge, Anantnag.

10. Disposed of.

**(RAHUL BHARTI)
JUDGE**

SRINAGAR:

11.02.2026

"Mír Aríf"