

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

CM No. 1824/2026
In LPA No. 55/2026
CM No. 1825/2026

Muthariya Public School Kargil ...Appellant/Petitioner(s)

Through: Mr. Javaid Hameed, Advocate

Vs.

Anjuman-e-Jamaitul-Ulma Madrasae-Isna Asharia ...Respondent(s)
Kargil and Another

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE

ORDER
15.04.2026

01. The appellant, through the medium of this *intra court* appeal, has assailed the order dated 02.03.2026 passed by the learned Single Judge in petition filed under Article 227 of the Constitution of India, bearing CM(M) No.312/2024, on the ground that the order impugned was passed at the back of the appellant, who was not a party in the original civil proceedings and the order impugned has the adverse effect upon the rights of the appellant who, in fact, is running the school under the banner of Muthariya Public School, Kargil.
02. Learned counsel for the appellant has submitted that the order impugned passed by the learned Single Judge has affected the vital rights of the appellant in running and managing Muthariya Public School, Kargil and the order impugned could not have been passed at the back of the appellant. He has further submitted that the learned

Single Judge has exercised the powers akin to Article 226 of the Constitution of India, therefore, this intra court appeal is maintainable.

03. Brief facts necessary for consideration of the controversy on hand are that respondent No.1 had filed a Civil Suit for Declaration and Injunction against respondent No.2 before the court of learned Chief Judicial Magistrate/Sub Judge, Kargil, along with the application for grant of interim relief, wherein the parties were directed to maintain status quo. Subsequently, in terms of order dated 29.04.2024, the application for grant of interim relief filed by the respondent No.1 came to be dismissed resulting into vacation of interim order dated 07.11.2023.
04. Aggrieved of the order dated 29.04.2024, respondent No.1 filed a civil miscellaneous appeal before the Court of Principal District Judge, Kargil. The appeal filed by the respondent No.1 was dismissed in terms of order 02.08.2024. Being aggrieved of order dated 02.08.2024 passed by the learned Principal District Judge, Kargil, respondent No.1 filed a petition under Article 227 of the Constitution of India, bearing CM(M) No.312/2024, wherein the learned Single Judge in terms of order dated 02.03.2026 directed the Deputy Commissioner, Kargil, to look after the routine administration and management of the school, if still running, until further orders from the Court. Further Deputy Commissioner, Kargil, was enjoined upon to ensure that in case any school building existed at the site, no addition/alteration in terms of construction would be made at the instance of either of the two parties to the litigation.
05. Pursuant to a specific query raised by this Court, learned counsel for the appellant could not demonstrate that the order impugned passed by

the learned Single Judge has the trappings of the final order/judgement as the order impugned is to remain in operation till further orders from the Court, meaning thereby the learned Single Judge can still alter/modify/vacate the order dated 02.03.2026. Be that as it may, the order impugned has been passed by the learned Single Judge in a petition filed under Article 227 of the Constitution of India and in terms of clause 12 of the Letters Patent of the Jammu and Kashmir, the intra court appeal is not maintainable against the order passed by the learned Single Judge in exercise of its power of superintendence and control over the subordinate courts and tribunals. On this count also, this appeal cannot be entertained.

06. In view of above, we are not inclined to entertain this appeal and the same is, accordingly, **dismissed**. However, this order will not preclude the appellant from approaching the learned Single Judge for modification/vacation of the order impugned by laying a proper motion in accordance with law as the matter is listed before the learned Single Judge on 05.05.2026.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR

15.04.2026

Manzoor