

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

**CM(M) No. 250/2026
CM No. 3849/2026**

Abdul Karim Sheikh and Others

...Petitioner(s)

Through: Mr. Sofi Manzoor, Advocate

Vs.

**Commissioner Secretary PDD to Govt. of J&K
Civil Secretariate at Jammu/Srinagar and
Others**

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
03.07.2026**

01. The petitioners chose to name eighteen defendants in a civil suit with cause title of the plaint reading as a suit for permanent prohibitory injunction but ending with prayer for declaration with consequential relief of permanent prohibitory injunction with respect to property of land measuring **9.18** kanals in survey No. **144** and land measuring **7.17** kanals in survey No. **145** at village Sunergund District Budgam, whereupon the petitioners as

plaintiffs are said to have planted walnut trees drawing income therefrom.

02. The construction of 33KV Power Transmission Line from Ichgam to Kremshore is said to have given a purported cause of action for the petitioners, as plaintiffs, to sue eighteen defendants.

03. The petitioners are staking claim for compensation for 12 walnut trees and therefore, the declaration to said effect, whereas, permanent prohibitory injunction for restraining 18 defendants from causing any interference with respect to the suit property.

04. The civil suit of the petitioners came to be replied by the defendants 12 to 18, all of whom are private defendants.

05. The petitioners came forward with an application seeking amendment of the suit which application came to be dismissed in terms of order dated **24.12.2025** against which a review was sought from the court of Sub Judge, Budgam which has suffered rejection in terms of order dated **18.05.2026**.

06. It is against aforesaid two outcome in terms of order dated **24.12.2025** and **18.05.2026** that the petitioners are intending this Court to exercise supervisory jurisdiction under **article 227** of the Constitution of India to upset the exercise of discretion on the part of the learned Sub Judge, Budgam.

07. The very fact that after having suffered first order dated **24.12.2025** of rejection of their application for amendment of the plaint, seeking of review by the petitioners from the court below is an act pointing to the fact that petitioners were more keen to over stretch litigation on one pretext to another, otherwise this Court is failing to understand as to how come an order of a civil court rejecting an application for amendment of pleadings can generate an application for seeking review thereof at the instance of the party to litigation seeking amendment as by that taken even adverse order passed in review should also have been subjected to review by the petitioners instead of coming to this Court.

- 08.** When this Court peruses the application so filed by the petitioners invoking **order VI rule 17 of Civil Procedure Code-1908**, the application found to be is longer than the plaint itself, meaning thereby a flood of assertions were intended to be incorporate by the petitioners in their plaint without disclosing in the application that how come at first instance at the time of filing of civil suit the petitioners were at failure and loss to come forward with the knowledge and disclosure of the purported facts intended to be brought in original plaint through mode of amendment.
- 09.** Therefore, this Court finds no illegality committed by the court of Sub Judge, Budgam in refusing the amendment plea and prayer and the review sought for by the petitioners and therefore, this Court does not entertain this petition. **Dismissed** along with connected CM.
- 10.** A copy of this order be forwarded to Sub Judge, Budgam for being taken on record.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
03.07.2026
Imtiyaz