

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
CM(M) 119/2022**

Date of Pronouncement: 28.09.2026

Uploaded on : 28.09.2026

IMTIYAZ BASHIR

...Appellant(s)/Petitioners(s)

Through: Mr. Sheikh Hilal, Advocate

Vs.

NASRULLAH KHAN AND ANR.

...Respondent(s)

Through: Mr. Ishfaq Muzamil, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE.

JUDGMENT

28.09.2026

(ORAL)

1. Petitioner has invoked supervisory jurisdiction of this Court under Article 227 of the Constitution of India for quashment of orders dated 14.07.2022 and 18.07.2022 qua the subject matter, with a further mandamus to learned Principal District Judge, Srinagar to transfer the matter to any other court of competent jurisdiction.
2. Perusal of the file reveals that learned court of 3rd Additional Munsiff, Srinagar [‘the trial court’] in terms of order dated 28.05.2022 vacated the interim order passed on 04.04.2022, in a civil suit titled “*Imtiyaz Bashir Vs. Nasrullah Khan & Anr.*”. An appeal preferred by the petitioner against the said vacation of order, came to be dismissed by learned 3rd Additional Judge, Srinagar [‘the appellate court’] vide order dated 09.06.2023.
3. After the dismissal of the appeal, respondent No. 1, defendant No. 1 in the suit, invoked Section 94, read with Section 151 CPC and approached the trial court for restoration of possession of the property to him. The trial

court vide order dated 14.07.2022 directed SHO concerned to implement the order dated 28.05.2022 in letter and spirit, by handing over the possession of the suit property to the applicant, respondent No. 1 herein.

4. It appears that the concerned SHO approached the trial court with an application that he was facing hurdles on the ground, in implementation of the aforesaid order, as such, learned trial court vide order dated 18.07.2022 directed the concerned Tehsildar to remain present on the spot with the SHO for implementation of order dated 28.05.2025.
5. Both the orders dated 14.07.2022 & 18.07.2022 have been called into question in the present writ petition by the petitioner.
6. Perusal of the reply filed by respondent No. 1, reveals that both the aforesaid orders, including order dated 28.05.2023, whereby interim injunction came to be vacated, as also the orders impugned in the present petition dated 14.07.2022 and 18.07.2022, whereby concerned authorities were directed to implement the said order in letter and spirit by handing over possession of the subject property to respondent No. 1, stand implemented on the spot.
7. Learned counsel for respondent No. 1 has also informed this court that meanwhile, the suit preferred by the petitioner also came to be dismissed for non-prosecution by the trial court on 22.05.2024 and now nothing survives in the present controversy.
8. In view of the above, since both the orders, impugned in the present petition, stand implemented and the suit, which gave rise to both the orders already stands dismissed for non-prosecution, nothing survives in

the present petition. Hence, present petition is dismissed, along with connected CMs.

9. Interim direction, if any, shall stand vacated.

(RAJESH SEKHRI)
JUDGE

Srinagar:
28.09.2026
Adil Ismail

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| ❖ Whether the Judgment is Reportable? | Yes/No |
| ❖ Whether the Judgment is Speaking? | Yes/No |

