

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

CM(M) 276/2026 CM(4276/2026)
Caveat 1615/2026

**M/S ALSON MOTORS EV HYDERPORA ...Appellant(s)/Petitioner(s)
THROUGH ITS PROP.**

Through: Mr. Shah Faisal, Advocate

Vs.

SAFOORA IQBAL

...Respondent(s)

Through: Mr. Nisar Ahmad Bhat, Advocate

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

15.07.2026

1. By this petition, petitioner herein has invoked supervisory jurisdiction of this court under Article 227 of the Constitution of India, thereby challenging order dated 16.05.2026, passed by the learned Additional District Judge/Commercial Court, Srinagar in **Execution Petition No. 135/2026** titled "*Safoora Iqbal v. Alson Motors EV Hyderpora*".
2. It is stated by the learned counsel for the petitioner that the learned Additional District Judge Srinagar has exceeded his jurisdiction. He has further stated that since the respondent herein is not allowing the petitioner to use the premises, as such, the petitioner herein is not bound to pay the charges for the possession in terms of order dated 07.11.2025.
3. Mr. Nisar Ahmad Bhat, learned counsel for the respondent, states that the Commercial Appellate Division of this court had passed the order dated 07.11.2025 in CM No. 7020/2025 in Arb App No. 7/2025, the relevant paragraph is set forth hereinbelow:

"2.Having heard learned counsel for the parties and with their consent, this appeal is disposed of by providing as under:

a) That the appellant shall pay monthly rental @ Rs. 35,000/- per month with effect from 1st December, 2024, and shall continue to pay the said amount so long as it remains in possession of the demised premises.

b) The amount of Rs. 40,000/- per month, to be calculated with effect from 1st December, 2024, shall be deposited before the Commercial Court within a period of four weeks.

c) That since the matter is pending before the learned Arbitrator, the amount so deposited shall be

appropriated/adjusted in terms of the award that may be passed by the learned Arbitrator.”

4. The order dated 7th of November, 2025, passed in CM No. 7020/2025 in Arb App 7/2025 was clarified in terms of order dated 19.12.2025, relevant paragraph is reproduced as under:

“4. Clause-b of Paragraph-2 of the order dated 7th November, 2025, passed in CM No. 7020/2025 in Arb App 7/2025 is corrected and it is provided that the amount of Rs. 40,000/- as mentioned in Paragraph-2 shall be read as 50, 000/- per month. Rest of the order shall remain intact”.

5. Learned counsel further states that in terms of the order supra, petitioner herein is under an obligation to deposit an amount of Rs. 35,000/- per month w.e.f. 1st December, 2024, and also to continuously pay the same till he would remain in possession of the demised premises. He also states that the petitioner herein is also under an obligation to deposit Rs. 50,000/- per month in terms of order dated 19.12.2025.
6. Be that as it may, learned counsel for the petitioner undertakes to deposit an amount of Rs. 1,05,000/- which has been assessed by learned Additional District Judge, Srinagar, in terms of impugned order dated 03.07.2026, towards monthly rent, and Rs. 2,00,000/- towards the amount payable under the directions contained in orders dated 07.11.2025 and 19.12.2025, passed by Commercial Division Bench in CM No. 7020/2025 within a period of two weeks from the date of passing of this order, before the court of learned Additional District Judge, Srinagar.
7. It is clarified that petitioner is under a bounden duty to comply with the orders passed by Commercial Division Bench dated 17.11.2025 and 19.12.2025.
8. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:

15.07.2026

“Misba”