

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

**CM (M) No. 325/2026
CM No. 4790/2026
CM No. 5644/2026**

- 1. Fayaz Ahmad Malik, Age: 62 Years**
S/O Mohammad Subhan Malik
R/O Achabal, Sopore, District Baramulla
President, Kashmir Valley Fruit Growers and Dealers Association,
Fruit Mandi, Sopore.
- 2. Manzoor Ahmad Bhat, Age: 55 Years**
S/O Sonaulah Bhat
R/O Krankshivan Sopore, District Baramulla
Vice-President, Kashmir Valley Fruit Growers and Dealers Association,
Fruit Mandi, Sopore.
- 3. Zahoor Ahmad Tantray, Age: 60 Years**
S/O Ghulam Ahmad Tantray
R/O Brath, Sopore, District Baramulla
General Secretary, Kashmir Valley Fruit Growers and Dealers
Association, Fruit Mandi, Sopore.
- 4. Ghulam Mohi-ud-Din War, Age: 56 Years**
S/O Ali Mohammad War
R/O Nadihal, Rohama-Rafiabad, District Baramulla
Chairman Affairs,
Kashmir Valley Fruit Growers and Dealers Association,
Fruit Mandi, Sopore.
- 5. Javid Ahmad Naikoo, Age: 61 Years**
S/O Mohammad Akbar Naikoo
R/O Seelu, Sopore, District Baramulla
Trade Chairman, Kashmir Valley Fruit Growers and Dealers
Association, Fruit Mandi, Sopore.
- 6. Showkat Ahmad Malik, Age: 55 Years**
S/O Abdul Ahad Malik
R/O Saripora, District Baramulla
Trade Chairman, Kashmir Valley Fruit Growers and Dealers
Association, Fruit Mandi, Sopore.
- 7. Mushtaq Ahmad Palla, Age: 59 Years**
S/O Noor Mohammad Palla
R/O Dangerpora, District Baramulla

Secretary Publicity,
Kashmir Valley Fruit Growers and Dealers Association,
Fruit Mandi, Sopore.

8. Mohammad Ashraf Parray, Age: 51 Years
S/O Abdul Jabbar Parray
R/O Nowpora Kalan, Sopore, District Baramulla
Secretary Affairs,
Kashmir Valley Fruit Growers and Dealers Association,
Fruit Mandi, Sopore.

... Petitioner(s)

Through: -

Mr Gulzar Ahmad Bhat, Advocate.

V/s

1. **Mohammad Lateef Ganie**
S/O Mohammad Akbar Ganie
R/O Dangerpora, Sopore, District Baramulla
Prop.: M/S Shan Apple, Shud No., Fud No.,
Fruit Mandi (Registration No. 334).
2. Mohammad Akbar Dar
S/O Khazir Mohammad Dar
R/O Dangerpora Sopore, District Baramulla
Prop: M/S Greenland Shud No., Fud No.,
Fruit Mandi Sopore (Registration No. 17)

... Respondent(s)

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

01.09.2026

CM No. 5644/2026:

01. This is an application filed by the Applicants/ Petitioners pursuant to Order dated 31st of July, 2026, seeking permission of this Court for placing on record the accompanying documents, including the certificate of registration pertaining to the Kashmir Fruit Growers and Dealers Association, Sopore, Kashmir.

02. For the reasons stated in the application coupled with submissions made at the Bar, the application is **allowed** and the documents annexed therewith are taken on record.

03. CM is, thus, **disposed** of on the above terms.

CM (M) No. 325/2026; CM No. 4790/2026:

04. Heard learned Counsel appearing for the Petitioners.

05. The Petitioners, through the medium of this Petition, have pleaded that the Respondents had filed a Civil Suit against the Petitioners with regard to the affairs of the Sopore Fruit Mandi seeking declaration, mandatory/ permanent injunction and rendition of accounts, before the Court of learned Civil Judge, Junior Division, Sopore, asserting therein that the Civil Court had no jurisdiction to try the Suit as the jurisdiction was expressly ousted under the provisions of the Jammu & Kashmir Self-Reliant Cooperative Societies Act, 1999, Jammu & Kashmir Cooperative Societies Act, 1989 and Arbitration Act. It is further stated that the Trial Court, vide *ex-parte* Order dated 13th of May, 2026, had directed the parties to maintain *status quo* with respect to the affairs, records and assets of the Fruit Dealers Association.

06. Thereafter, on an application moved by the Plaintiffs/ Respondents herein, the Trial Court, vide Order dated 11th of June, 2026, clarified that the said Order was intended to preserve the existing state of affairs pertaining to the affairs, records and assets of the Association as obtaining on the date of passing of the order, So that the subject matter of the Suit remains protected during the pendency of the proceedings, with further clarification that the parties shall remain bound by the aforesaid direction and shall ensure that the affairs, records and assets of the Association are not altered in a manner inconsistent with the Order dated 13th of May, 2026. The subsequent Order dated 11th of June, 2026 was also passed in *ex-parte*.

07. Learned Counsel appearing for the Petitioners has vehemently argued that the Trial Court has no jurisdiction in the matter to try the Suit, however, on a consistent query with regard to any provision of law under which the Suit is not maintainable, the learned Counsel for the Petitioners has not been able to substantiate the same.

08. From the perusal of the pleadings available on record, it appears that the Written Statement and Preliminary Objections are stated to have been filed by the Petitioners as Defendants before the Court below, therefore, it will be in the interests of justice that the Trial Court is directed

to consider the matter regarding interim injunction in the light of the said Objections filed by the Petitioners herein as Defendants before the Trial Court, in particular the question of jurisdiction raised by the Petitioners so that a comprehensive view is taken in the matter by the Trial Court.

09. Viewed thus, the instant Petition is **disposed** of at this motion stage with a direction to the Trial Court to consider the issue of interim injunction operating against the Petitioners herein with regard to the affairs of the Association, keeping in view the fact that the controversy involved is relating to the affairs of the Fruit Dealers Association, which is presently very important due to the ongoing fruit season. The Trial Court is requested to fast-track the hearing of this case and shall take up the case on a motion to be laid by the Petitioners herein for an early hearing, if the date is longer in the case, and shall consider the matter with regard to interim injunction having regard to the jurisdiction of the Court at the first instance. The Trial Court is also impressed upon to decide the matter with regard to interim injunction expeditiously, preferably within two weeks from the date a copy of this Order is received.

10. Registry to forward a copy of this Order to the Trial Court, for information and compliance.

11. Petition is, thus, **disposed** of on the above terms, along with the connected CM.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
September 1st, 2026
"TAHIR"