

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

CM(5251/2026) IN
CR 25/2026

UNION TERRITORY OF J AND K AND OTHERS

..... Appellant/petitioner(s)

Through: -
Mr. Ilyas Nazir, GA
V/S

CHIRAN JIV KUMAR DHAR

..... Respondent(s)

Through: -

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

14.08.2026

01. On the set of facts and grounds urged, coupled with the submissions made at Bar, the instant application is allowed and the delay in filing the civil revision is condoned.

02. CM disposed of.

CR No. 25/2026

01. The petitioners have preferred the instant civil revision under Section 115 Civil Procedure Code, thereby challenging the interim order dated 05.12.2025, passed by the Special Mobile Magistrate, Anantnag, operative portion of the said order is reproduced as under:-

“ Issue notice of the other side for their response in the meantime, the defendants is temporarily restrained from causing any sort of interference with respect to suit scheduled property i.e land measuring 4 Marlas falling under Survey No. 292 situated at Naibasti Opposite Saddar Police Station, Anantnag till next date of hearing. The other side, however, shall be at liberty to seek remedy under Order 39 Rule 04 CPC for modification, vacation or alteration to this order. Plaintiff is directed to comply with the procedure prescribed under the proviso to Rule 03 of Order 39 CPC. Put up on 13.12.2025.”

02. Learned counsel for the petitioners submits that the petitioners seek either quashing of the impugned order dated 05.12.2025 or, in the alternative, a direction to the learned Trial Court to consider and decide the interim application filed by the petitioners. It is submitted that, vide order dated 05.12.2025, the petitioners were granted liberty to file an application under Order XXXIX Rule 4 CPC. Pursuant thereto, the petitioners filed an application immediately after passing of the aforesaid impugned order; however, it is alleged that the said application has not been considered by the learned Trial Court till date.
03. Learned counsel for the petitioners has placed on record the proceedings sheet, perusal whereof reveals that notice in the application filed by the petitioners was issued on 24.01.2026. However, the said application has neither been disposed of nor otherwise considered by the learned Special Mobile Magistrate, Anantnag, till date.
04. Learned counsel for the petitioners submits that the petitioners would be satisfied if the instant petition is disposed of with a direction to the learned Trial Court to consider and decide the application filed by the petitioners under Order XXXIX Rule 4 CPC within a reasonable period.
3. In view of the above, and without expressing any opinion on the merits of the case, the instant petition is disposed of with a direction to the learned Special Mobile Magistrate, Anantnag, to consider and decide the application filed by the petitioners under Order XXXIX Rule 4 CPC, strictly in accordance with law, as expeditiously as

possible, preferably within a period of one month from the date of receipt of a copy of this order.

05. Disposed of along with connected CM(s).

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
14.08.2026
“Mohammad Yaseen Dar”

