

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

CM(M)/370/2026
[CM/5476/2026]

FAREEDA BEGUM

...Petitioner(s)/appellant(s)

Through: Mr. I.A. Parray, Advocate

Vs.

MISRA BEGUM AND OTHERS

...Respondent(s)

Through: Mr. Waseem Ramzan Lone, Advocate

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

19-08-2026

Caveat No.1648/2026

With the appearance of learned counsel for the caveators, the caveat, as lodged, shall stand discharged.

CM(M)/370/2026

1. By the medium of the instant petition filed under Article 227 of the Constitution of India, the petitioner has called in question order dated 29.07.2025 passed by the Court of learned Additional District Judge, Handwara, in Civil 1st Appeal bearing File No.56/M titled *Misra Begum and others v. Fareeda Begum and others*, whereby the judgment and decree dated 01.12.2023 passed by the Court of learned Sub Judge, Handwara, in a civil suit titled *Fareeda Begum vs. Misra Begum and others*, has been kept in abeyance.
2. Learned counsel for the petitioner submits that the Civil 1st Appeal preferred by the respondents is barred by limitation. It is submitted that

the judgment and decree was passed on 01.12.2023, whereas the first appeal came to be instituted only on 06.02.2025, without being accompanied by any application seeking condonation of delay. It is contended that this aspect of the matter has not been taken into consideration by the learned Additional District Judge, Handwara while passing the impugned order dated 29.07.2025.

3. There is no need to issue notice to the respondents, as learned counsel appearing on their behalf is present before the Court.
4. At this stage, learned counsel for the petitioner states that the instant petition can be disposed of by setting aside the order dated 29.07.2025 with a direction to learned Additional District Judge, Handwara, to consider and decide the Civil 1st Appeal titled *Misra Begum and others v. Fareeda Begum and others*, in accordance with law, including the question of limitation and condonation of delay.
5. Learned counsel appearing for the respondents, on the other hand, states at the Bar that he has no objection in case the impugned order dated 29.07.2025 is set aside, with a direction to the learned Additional District Judge, Handwara, to decide the Civil 1st Appeal after providing an opportunity of hearing to all the parties to the *lis*.
6. In view of the statement made by learned counsel appearing for the parties, the instant petition is disposed of by setting aside the order dated 29.07.2025 passed by the learned Additional District Judge, Handwara, with a direction to consider and decide the Civil 1st Appeal bearing File No. 56/M titled *Misra Begum and others v. Fareeda Begum and others*, in accordance with law, including the question of limitation and condonation of delay, if any, after affording due opportunity of

hearing to the parties, preferably within a period of two months from the date of receipt of a copy of this order.

7. Disposed of accordingly.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
19-08-2026
Shameem H.

