wS. No. 68
Suppl Cause List -1

IN THE HIGH COURT 0F JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CM(M) 388/2026
CM(5716/2026)

SAMEENA BANO

…Appellant(s)/Petitioner(s)

Through: Mr. Huzaif Ashraf Khanpora, Advocate

Vs.

NASIR SHEIKH

…Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
29.08.2026

1. The petitioner is married to respondent.

2. The **Nikah** of the petitioner with the respondent is said to have taken place on **20.10.2024** which came to be followed by the **Ruksati** on **11.10.2025** from which date onwards the petitioner and respondent came to be in conjugal company with the petitioner joining the matrimonial household.

3. Within one month of her matrimonial life with the respondent, the petitioner alleges to have been subjected to domestic violence which

constrained her to petition the **Judicial Magistrate 1st Class (Uri) on 28.11.2025.**

4. The complaint made by the petitioner by invoking **Protection of Women from Domestic Violence Act, 2005** resulted in an order dated **18.11.2025** passed by the Judicial Magistrate 1st Class, Uri by drawing a purported satisfaction that petitioner has been subjected to starvation at the hands of the respondent as well as his sister named as party No. 2 in the complaint.

5. The respondent came to be directed to pay maintenance amount of **Rs. 16,500/-** as an interim measure to the petitioner.

6. The respondent feeling aggrieved of ex parte direction so issued by the Judicial Magistrate 1st Class, Uri, in terms of an order dated **18.11.2025**, preferred an appeal on **File No. Appeal/ 443/2026** under **section 29 of Protection of Women from Domestic Violence Act, 2005** before the court of Additional Sessions Judge, Baramulla which

has admitted appeal for adjudication by putting the petitioner to notice and in the meantime staying the operation of the impugned order dated **18.11.2025** passed by the Judicial Magistrate 1st Class (Civil Judge), Uri.

7. The petitioner has rushed to this Court against the order dated **18.05.2026** so passed by the appellate court of **Additional Sessions Judge, Baramulla.**

8. This Court is not inclined to entertain this petition at the instance of the petitioner as the appellate court has committed no wrong or prejudice in entertaining the appeal of the respondent which is otherwise maintainable and liable to adjudication on merits which in the eventuality of dismissal would restore the recurring of maintenance in favour of the petitioner and, therefore, the petitioner ought to have been well advised to stay patient with the process of law rather than becoming impatient and rush to this Court with the present petition.

9. This Court, therefore, **dismisses** this petition without prejudice to the right of the petitioner to pursue her case before the appellate court of Additional Sessions Judge, Baramulla who shall endeavor to dispose of the appeal of the respondent on merits of facts and law by or before **31.10.2026**.

10. Disposed of along with the connected CM.

(RAHUL BHARTI)
JUDGE

Srinagar
29.08.2026
"Imtiyaz"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

Imtiyaz Ul Gani
I attest to the accuracy and
authenticity of this document

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