

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(6133/2026) in CM(M) 408/2026
CM(6134/2026) Caveat 2281/2026.

Abdul Ahad Wani, 40 years

S/O Ghulam Ahmad Wani.

R/O Noorbagh Baghwanpora, Srinagar

...Petitioner(s)

Through: Mr. Owais Sareer, Advocate.

VERSUS

Khalid Wani.

S/O Shakeel Ahmad Wani.

R/O Bhat Mohalla Zakura, Srinagar.

Through: Mr. Mian Tufail, Advocate for Respondent/Caveator.

...Respondent(s)

CORAM:

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

ORDER
11.09.2026

Caveat No. 2281/2026:

With the appearance of Mr. Mian Tufail, learned counsel for the respondent/caveator, Caveat No. 2281/2026 stands discharged.

CM No. 6133/2026:

1. This application has been moved by the petitioner seeking dispensation from placing on record the certified copy of the decree dated 27.12.2022 passed by the learned 2nd Additional District Judge, Srinagar, in the case titled "*Khalid Wani Vs. M/s Wani Real Estate*".
2. For the reasons assigned in the application, the same is allowed and the requirement of placing on record the certified copy of the said decree is

dispensed with, with directions to do the needful by next date of hearing.

3. CM No. 6133/2026 stands ***disposed of***.

CM(M) No. 408/2026:

4. Invoking the supervisory jurisdiction of this Court vested under Article 226 of the Constitution of India, the petitioner seeks a direction to the Court of the learned 2nd Additional District Judge, Srinagar, seized of the execution proceedings, to adjudicate upon the petitioner's pending application under Section 47 of the Code of Civil Procedure, 1908, wherein the petitioner claims to have raised substantial questions going to the root of the decree and its execution, and further seeks appropriate directions for deciding the said application before proceeding further with the execution proceedings.
5. Learned counsel for the petitioner submits that the petitioner is facing execution proceedings initiated by the respondent for enforcement of the ex-parte decree passed by the Court of the learned 2nd Additional District Judge, Srinagar, on 27th December, 2022 and the petitioner has raised objections under Section 47 of the Code of Civil Procedure, 1908, before the executing court against execution of the decree on certain legal grounds including that of jurisdiction over a commercial dispute. It is further submitted that, without deciding the said application, the executing court has proceeded with the execution proceedings and passed orders of attachment.
6. Heard
7. Issue notice to the respondents.

8. Notice is waived by Mr. Mian Tufail, learned counsel for the respondent/caveator.
9. Learned counsel for the respondent/caveator fairly admits that the petitioner has moved an application under Section 47 of the Code of Civil Procedure, 1908, to which objections have also been filed by the respondent/caveator, raising legal grounds with regard to the maintainability of the application itself and the executing court is seized of the matter and has considered the said application. However, the application is required to be decided before proceeding with the enforcement of the decree sought to be executed.
10. In view of the aforesaid facts and circumstances of the case, submissions made by learned counsel for the parties and with consensus of both the parties, this petition is disposed of at the motion stage with a direction to the executing court to first decide the application moved by the judgment-debtor under Section 47 of the Code of Civil Procedure, 1908, before taking any further steps towards enforcement of the decree.
11. The executing court is requested to expedite the matter and dispose of the application moved by the petitioner at the earliest.
12. **Disposed of**, along with connected application(s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
11.09.2026
Bisma Jan.