S. No. 05
Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 410/2026 CM(6167/2026).

Nazir Ahmad Parra, 61 years
S/O: Ahmad Parra
R/O: Gudsathoo Budgam

...Petitioner(s)

Through: Mr. Bhat Fayaz, Advocate.

VERSUS

1. Ghulam Rasool Sheikh.
   S/O Ghulam Mohammad Sheikh,
   R/O Gudsathoo Budgam
2. Feroz Ahmad Sheikh
   S/O Ghulam Mohammad Sheikh,
   R/O Gudsathoo Budgam
3. Sheeraz Ahmad
   S/O Habib Sheikh
   R/O Nowgam, Chadoora, Budgam.

Through: None.

...Respondent(s)

CORAM:

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

ORDER
14.09.2026

1. The petitioner, through the medium of the present petition, seeks a direction to the Court of learned Additional District Judge, Budgam, to ensure effective compliance with and implementation of the order dated 21st August, 2025, passed by this Court in Civil Second Appeal No. 2/2022, to take all necessary and appropriate measures in accordance with law to preserve the subject property in its existing nature and condition and to

prevent any further alteration, alienation, construction, destruction or removal of planted trees therefrom during the pendency of the proceedings. The petitioner also seeks a direction for expeditious disposal of the pending appeal.

2. Learned counsel for the petitioner submits that the suit filed by the petitioner before the Court below travelled up to this Court in Civil Second Appeal No. 2/2022, which came to be decided vide judgment dated 21st August, 2025, whereby the judgment passed by the Appellate Court was set aside and the matter was remanded back to the First Appellate Court for fresh consideration.

3. Learned counsel for the petitioner further submits that, despite the passage of considerable time, the appeal has not been taken up for effective consideration by the First Appellate Court. It is contended that the delay in disposal of the appeal is causing prejudice to the petitioner, as, in the meantime, the other side are bent upon to alter the nature and condition of the suit property with impunity and despite applications having been moved before the First Appellate Court, no effective action has been taken in the matter till date.

4. In view of the aforesaid, innocuous prayer made in the petition, it can be appropriately addressed by requesting the First Appellate Court to proceed with the matter expeditiously.

5. Accordingly, the present petition is disposed of with a direction to the First Appellate Court to proceed with the appeal in

accordance with law, consider all aspects of the matter, and make every endeavour to dispose of the pending appeal at the earliest.

6. ***Disposed of*** along with all interim application(s) at this motion stage.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
14.09.2026
Bisma Jan.

