

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

.....

RP No. 85/2025 in
CR No. 16/2024

Pronounced on 11.03.2026.

Uploaded on 18.03.2026.

Mst. Zaina, D/O Late Abdul Sattar Mir.
W/O Abdul Samad Mir
R/O Hussipora Tehsil, Chadoora, District, Budgam.

..... Petitioner(s)

Through: Mr. Z. A. Shah, Sr. Advocate with
Mr. Abdul Hanan, Advocate.

Versus

- 1. Mehra-ud-din Malla S/o Nunda Malla.***
- 2. Mst. Jani D/O Nunda Malla W/O Mohd Ashraf Teli***
R/Os Hussipora Tehsil, Chadoora, District, Budgam.
- 3. Hajira Alias Azi D/O Nunda Malla W/O Hafizulla Lone***
R/O Nagam Tehsil Chadoora, District Budgam.

.....Respondent(s)

Through: Mr. Sajad Ahmad Sofi, Advocate.

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

JUDGMENT

11.03.2026.

1. The instant Review Petition has been filed by the petitioner, seeking review of judgment and order dated 10th September, 2025, passed in CR No. 16/2025, titled as “*Mehraj-ud-din Malla & Ors. V. Mst. Zaina*”.
2. According to the petitioner while being impleaded as contesting respondent in the civil revision supra upon hearing of the said revision petition on 08th September, 2025 partly, same was directed to be listed on 10th September, 2025, for further consideration, however, the Registry though notified the date of listing of the matter on 17th September, 2025, yet the matter came up for consideration before the Court on 10th September, 2025, and came to be decided the matter on the said date and that owing to the change/preponing of the date from 17th September, 2025

to 10th September, 2025, the petitioner herein could not cause appearance and contest the revision petition.

Heard learned counsel for the parties and perused the record.

03. Perusal of the record tends to show that the revision petition supra initially came to be partly heard on 3rd September, 2025, upon hearing counsel for the petitioner and counsel for the respondents (Petitioner herein) as well and the matter was adjourned for continuation of arguments of the counsel for the respondents at his request and directed to be listed for further consideration on 4th September, 2025.
04. Record of the proceedings however, reveals that on 4th September, 2025, the counsel for the respondent-petitioner herein did not choose to appear and the Court directed the listing of the matter on 8th September, 2025, as case number 1 with further direction to the Registry to notify the date to the then counsel, appearing for the respondent-petitioner herein.
05. Record of the proceedings would further reveal that on 8th September, 2025, yet again the counsel for the respondent-petitioner herein did not choose to appear, so much so, the respondent as well did not appear in person, as a consequence whereof, the respondent-petitioner herein was *setex-parte* and the matter was directed to be listed for further consideration on 10th September, 2025, and on 10th September, 2025, again neither the counsel for the respondent-petitioner herein appeared nor did the petitioner herein appeared and consequently the judgment and order under review came to be passed.

06. Record from the e-court pertaining to the case in hand came to be summoned by this Court having regard to the plea raised by the petitioner herein which *inter-alia* reveals that the order dated 8th September, 2025, i.e, the date on which the respondent-petitioner herein came to be set *ex parte* and the matter was directed to be listed for further consideration on 10th September, 2025, stands uploaded on the website of this Court on the said date, i.e, on 8th September, 2025, itself, thereby suggesting the information of listing of the case as also the nature of proceedings conducted on the said date. However, date notification of the record of the e-court reveals that the date next date fixed in the matter has been shown as 17th September, 2025, after 8th September, 2025 instead of 10th September, 2025.
07. Since the precise plea raised by the petitioner herein is that the petitioner was awaiting to attend the case on 17th September, 2025, based upon the date notified by the e-court and had no knowledge about the listing of the case on 10th September, 2025, yet the petitioner has remained silent as to on which date the petitioner came to know about the status of the case, fixed in the e-court notification for 17th September, 2025. As has been noticed in the preceding paras, the date fixed in the case on 8th September, 2025, had been 10th September, 2025 recorded in the order passed by the Court which order had been uploaded on the website of this Court and on the said date the petitioner herein had been set *ex parte*, as such, the e-court notification showing the date as 17th September, 2025 loses significance.

08. Having regard to the aforesaid position obtaining in the matter, this Court does not find ground much less recognized by law requiring the review of the judgment and order.
09. The Review Petition is found grossly misconceived and is accordingly *dismissed*.

(Javed Iqbal Wani)
Judge

Srinagar

11.03.2026.

“Ab. Rashid PS”

Whether the judgment/order is speaking:	Yes/No
Whether the judgement/order is reportable:	Yes/No

