Sr. No. 34

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2591/2024

Bhajan Singh …..Petitioner(s)

Through: Mr. Dhiraj Chowdhary, Advocate

Vs

UT of J&K and another ….. Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG
Ms. Nisha Kangotra, Assisting counsel.
Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate

Coram: HON'BLE MR. JUSTICEYASH PAUL BOURNEY, JUDGE

ORDER
02.11.2026

(**ORAL**)

1. The short controversy involved in this present petition pertains to the grant of compensationto the displaced persons of 1947, 1965 and 1971 from Pakistan Occupied Jammu and Kashmir (POJK). The claim of the petitioner is that he is entitled to receive 100% of the compensation amount, as the other shareholders are no more in this world.

2. On the other hand, the respondents contend that, in view of the claims raised by the petitioner's two other real brothers, the petitioner cannot be treated as the sole person entitled to receive the entire compensation.

3. Having considered the controversy involved, this Court is of the considered view that such matters are required to be considered anddisposed of expeditiously and should not be allowed to occupy the time and space of the Courts for too longand a compensation should be paid in time, so as to provide timely relief to the affected parties.

4. In the given circumstances, since the question as to whether the petitioner alone is entitled to receive the compensation or whether there are other

shareholders therein, is a disputed question of fact, which, in any case,is required to be looked into by a Civil Court and either parties is at liberty to seek redressal as well as appropriate remedy.

5. At this stage, learned counsel for the respondents has drawn the attention of the Court to Annexure-I of the reply filed by the respondents, which is the judgment passed by the Civil Court in ***Isher Kour v. Ratan Pal Singh and others***, wherein Isher Kour has been declared a legal heir of Late Santokh Singh and, as such, entitled to a share in the ex-gratia compensation, as admissible to the refugees' families.

6. On the other hand, learned counsel for the petitioner has expressed ignorance about the proceedings culminating in the passing of the said decree and has submitted that petitioner has no knowledge of any suchdecree since he was not made a party to those proceedings.

7. Be that as it may, the inter se dispute between the contesting parties is required to be adjudicated upon by the Civil Court and cannot be gone into in the present proceedings. However, in order to protect and safeguard the interests of the rightful claimant(s), it is directed that the amount of ex gratia compensation shall be kept in an interest-bearing deposit until the rightful claimant(s) establish their respective entitlement before the Civil Court, so that him/her/their interests are not prejudiced on account of lapse of time.

8. ***Disposed of.***

(Yash Paul Bourney)
Judge

Jammu
02.11.2026
Mahavir