Sr. No. 137

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 3283/2026

Jahangir Iqbal Ganai .....Applicant(s)/Petitioner(s)

Through :- Petitioner in person.

v/s

Mohd. Amin Dar and Others .....Respondent(s)

Through :-

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
21.10.2026

1. On request, the matter was taken out of turn.

2. Vide order dated 13.10.2026, we had desired to resolve the controversy involved in the matter through mediation and had, accordingly, directed both the Members of the Tribunal as well as the petitioner to appear in person before us in the Chamber today.

3. The petitioner has come present, but the Members, despite having been served dasti, have decided not to appear. Even an attempt made to provide a link so that they could appear through virtual mode, could not succeed as both the Members failed to respond to the telephonic calls given by the Registry of the Tribunal.

4. Be that as it may, it seems that the Members of the Tribunal do not wish to cooperate. We have gone through the order impugned and find the same in complete breach of principles of natural justice in that a cost of Rs. 10,000/- has been imposed upon the learned Senior counsel without even affording him an opportunity of being heard and that too

on a very small matter which ought to have been sorted out in the open Court.

5. It is not uncommon that during the course of arguments sometimes there is heated exchanges between the Bar and the Bench. However, the Bench should forebear from escalating it to the level of initiating contempt proceedings against the advocates or imposing costs on the person of the Advocates. Rather, an effort should always be made to avoid such undesirable situation. Had the learned Members of the Tribunal shown some level of restraint and maturity, the unpleasant situation leading to issuing contempt notice against Senior Advocate could have been avoided. It is equally true that the learned advocates appearing before the Court, particularly, the Senior Advocates have a higher responsibility to ensure that the dignity and decorum of Court is maintained at all costs and small differences in perception do not escalate into creating unsavoury and unpleasant atmosphere thus driving a wedge between the Bar and the Bench.

6. Without saying much in the matter, we wish to close the matter here only. Accordingly, the order passed by the Tribunal, which apparently is contrary to the law and in sheer breach of principles of natural justice, is quashed. The writ petition shall stand allowed in the above terms.

(MA Chowdhary)
Judge

(Sanjeev Kumar)
Judge

JAMMU
21.10.2026
Eva

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