Sr. No. 126

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**
**AT JAMMU**

CM (M) No. 245/2026
CM No. 7834/2026

Kuljit Singh and others .....Appellant/Petitioner(s)

Through :- Mr. Mohd. Aleem Bed, Advocate with
Mr. Ahsan Malik, Advocate

**v/s**

Shri Ved Mandir Committee, Jammu .....Respondent(s)

Through :-

**CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER**
**03.11.2026**

1. Heard learned counsel for the petitioners at length and perused the material on record. The petitioners, who are the legal representatives of deceased defendant No. 1, are aggrieved by the ex parte judgment and decree dated 29.09.2008 passed by the learned Sub-Judge, Jammu. It appears that the petitioners had filed an application under Order IX Rule 13 of the Code of Civil Procedure seeking setting aside of the aforesaid ex parte decree, which came to be dismissed by the learned Trial Court. Aggrieved by the said order, the petitioners preferred an appeal, which is stated to be pending adjudication before the Court of 2nd Additional District and Sessions Judge, Jammu. The principal grievance projected by learned counsel for the petitioners is that, notwithstanding the pendency of the aforesaid appeal, the decree-holder is vigorously pursuing execution of the ex parte decree, while the appeal has not been taken up for expeditious disposal. It is submitted that the Executing Court is proceeding with the execution of the decree, thereby causing serious prejudice to the rights and interests of the petitioners.

2. It is in the aforesaid backdrop that the petitioners have invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. Having considered the submissions advanced by learned counsel for the petitioners and bearing in mind that the appeal arising out of the rejection of the application under Order IX Rule 13 CPC is already pending consideration before the competent Appellate Court, this Court does not deem it appropriate to enter into the merits of the controversy at this stage. However, regard being had to the fact that execution proceedings are being pursued during the pendency of the appeal, the ends of justice would be adequately served by directing the 2nd Additional District and Sessions Judge, Jammu, to take up and decide the pending appeal as expeditiously as possible, in accordance with law. The petitioners shall extend full cooperation to the Appellate Court and shall not seek unnecessary adjournments, so as to facilitate expeditious disposal of the appeal. It is made clear that this Court has not expressed any opinion on the merits of the controversy, and the Appellate Court shall decide the appeal independently, uninfluenced by any observation made herein.

3. With the aforesaid observations and directions, the present petition stands ***disposed of***.

**(Sanjay Parihar)**
**Judge**

JAMMU
03.11.2026
Diksha

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