Sr. No. 123

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: CM(M) No. 248/2026
CAV No. 2994/2026

Abdul Rouf Wani ..... Petitioner(s)/Appellant(s)

Through :- Mr. Akeel Wani, Advocate

Vs

Jammu and Kashmir Bank Ltd. and Ors. .....Respondent(s)

Through :- Mr. Vipan Gandotra, Advocate

CORAM:
HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
04.11.2026

CAV No. 2994/2026

With the appearance of Mr. Vipan Gandotra, Advocate for the caveator, the caveat stands discharged.

CM(M) No. 248/2026

1. After arguing for a while, when confronted with the maintainability of the instant petition, learned counsel for the petitioner seeks withdrawal of the instant petition, which has been filed under Article 227 of the Constitution of India, seeking quashment of order dated 23.10.2026 passed by the learned Principal District and Sessions Judge, Poonch, in a miscellaneous application filed by respondent No. 1 in the civil recovery suit titled *J&K Bank Ltd. vs. MS Hydree Mobile Point Bus Stand, Mendhar, Proprietor Mohd Safeer*, to the extent that the said order directs conditional attachment, seizure and transfer of the petitioner's

vehicle, i.e. Toyota Fortuner bearing Regn. No. JK02CU-1885, to Poonch.

2. Having heard learned counsel for the petitioner, this Court does not find any perversity or illegality in the impugned order warranting interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India, Learned counsel for the petitioner, therefore, seeks withdrawal of the instant petition with liberty to approach the learned Principal District and Sessions Judge, Poonch, in the pending civil recovery suit by filing an appropriate application for redressal of his grievance.

3. In view of the submissions made by learned counsel for the petitioner and the learned counsel for the caveator, the instant petition is dismissed as withdrawn, with liberty to the petitioner to approach the learned Principal District and Sessions Judge, Poonch, by filing an appropriate application in the pending civil recovery suit, with respect to the vehicle in question, within a period of two weeks from today. In the event such an application is filed within the aforesaid period, the learned Court concerned shall consider and decide the same, in accordance with law, after affording an opportunity of being heard to the other side, preferably within a period of two weeks from the date of its filing.

4. Till such application is considered and decided by the learned Court concerned, no coercive steps shall be taken by the Bank against the petitioner in respect of the vehicle in question. It is, however, clarified

that the further course of action shall be governed by the order to be passed by the learned Court concerned on the application so filed.

5. The writ petition is ***disposed of*** in the manner indicated above.

6. Needless to say, this Court has not expressed any opinion on the merits of the controversy. The application, if filed by the petitioner, shall be considered and decided by the learned Court concerned strictly in accordance with law, uninfluenced by any observation made hereinabove, and after taking into consideration the objections, if any, raised by the other side.

(WASIM SADIQ NARGAL)
JUDGE

HIGH COURT
सत्यमेव जयते
OF JAMMU & KASHMIR AND LADAKH

JAMMU
04.11.2026
Mihul