

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 16/2026 CM(156/2026).

HILAL AHMED GOSUANI.

...Applicant(s)/Petitioner(s)

Through: Mr. S. S. Rizvi, Advocate.

VERSUS

NASEEMA SHAH AND ANOTHER.

...Respondent(s)

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
27.02.2026

01. The petitioner is aggrieved of a procedural error on the part of the Court of Principal Judge, Family Court, Srinagar in adjudicating a maintenance case under section 488 of the J & K Code of Criminal Procedure Svt., 1989 (1938 A. D.) on **File No. 298/2021** by virtue of an order dated **21.02.2025**.

02. Said order was passed *ex-parte* whereby the respondent No. 1, as the wife of petitioner whom the petitioner claims to be a divorcee, was admitted to monthly maintenance of **Rs. 10,000/-** and respondent No. 2- minor son of the petitioner and respondent No. 1 was also granted **Rs. 10,000/-** per month.

03. Issue notice to the respondent No. 1 only.

04. Petitioner to furnish registered postal cover within a period of seven whereupon notice to go to the respondent No. 1 only.

05. Notice in **CM No. 156/2026** also.

06. Send for the original record of **File No. 298/2021** titled ***“Naseema Shah And Anr Vs. Hilal Ahmad Gousani.”*** from the Court of Principal Judge, Family Court, Srinagar.

07. In the meantime, the petitioner shall continue to pay monthly maintenance as awarded to the respondents. However, with respect to the recovery of arrears, no recovery proceedings for arrears shall be resorted to until an order is passed by this Court to said effect.

08. It is made clear that in case the petitioner defaults in making the monthly payments of the maintenance amount awarded in favour of the respondents No. 1 and 2, the risk and cost shall lie at the end of the petitioner and his counsel.

09. List on **3rd April, 2026.**

(RAHUL BHARTI)
JUDGE

SRINAGAR
27.02.2026
Bisma Jan.