

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

CRM(M) 48/2026 CrIM(103/2026) CrIM(104/2026)

**Danish Jeelani (38 Years)
W/O Syed Tajamul Hussain
R/O Bemina, Srinagar, Kashmir**

...Appellant(s)/Petitioner(s)

Through: Mr. Ajaz Ahmad Bhat, Advocate

Vs.

**Mumtaz Arif Wani
S/O Mohammad Ramzan Wani
R/O Lolipora, Tehsil Pattan, Baramulla**

...Respondent(s)

Through: Mr. Mohd. Rafeeq Bhat, Advocate

CORAM:

HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE.

ORDER

05.05.2026

1. Petitioner, through the medium of this petition, moved in terms of Section 528 of BNSS 2023, seeks quashing of the award passed by Lok Adalat, Sopore, dated 31st May, 2025, whereby the petitioner, as well as her husband, have been directed to liquidate the liability or otherwise has to pay double the amount equivalent to liability, as also the petitioner will be sent to imprisonment for a period of two years which is perverse unto law and miscarriage of justice.
2. Learned counsel for the respondent has raised a serious objection with regard to the maintainability of the present petition, in view of the law laid down by the Apex court in case titled '*Dilip Mehta Vs. Rakesh Gupta and Ors.*', reported as 2025 LiveLaw (SC)1188, and submits that the present petition is not maintainable, as the only recourse to challenge an award passed by the Lok Adalat is by way of a petition in terms of Articles 226 and 227 of the Constitution of India. As such, the present petition is liable to be dismissed.
3. The Apex court, in the aforesaid judgment, cited and relied upon by the learned counsel for the respondent, provides in Paragraph 5.3, which, being relevant, is extracted as under:

“Reliance is placed on Section 22E of the LSA Act and on the decisions of this Court in State of Punjab v. Jalour Singh and Bhargavi Constructions v. Kothakapu Muthyam Reddy to contend that a Lok Adalat award

can be assailed only in writ proceedings under Articles 226 and 227 of the Constitution of India, even when the challenge is founded on fraud, and that neither a civil suit nor proceedings in execution can be treated as an efficacious or equivalent remedy for setting aside such an award.”

4. In view of the clear enunciation of law on the subject, the present petition filed under Section 528 of the BNSS, 2023, challenging the award passed by the Lok Adalat, Sopore, is held to be misconceived and is, accordingly, **dismissed** as being non-maintainable.
5. The petitioner, however, shall be at liberty to work out her legal remedy available to her and dismissal of this petition shall not be an impediment in this behalf.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR:
05.05.2026
“Misba”

