

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
CRM(M) 107/2026

BENISH AIJAZ AND ANOTHER

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

Through: Mr. Z.A Shah, Sr. Advocate with
Mr. A. Hanan, Advocate

Vs.

TARIQ WALI

...Respondent(s)

Through: None

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

12.03.2026

1. By this petition, petitioner herein has invoked jurisdiction of this Court under Section 528 BNSS 2023, thereby challenging order dated 08.12.2025, passed by the Court of Additional Sessions Judge, Srinagar, whereby, order dated 22.10.2025 & 30.10.2025 has been set aside and the petitioners have been directed to file a fresh execution petition for the outstanding amount.
2. Despite notice, respondent has chosen not to appear.
3. In terms of the order dated 09.03.2026, petitioner No. 1 is present in person before this Court.
4. It is stated by the learned senior counsel that the impugned order has not been passed in consonance with law.
5. Notice to respondent.
6. List on 24.04.2026.
7. In the meantime, subject to objections and till next date of hearing, order dated 08.12.2025 shall remain stayed.
8. Meanwhile, respondent is directed to deposit any arrears of maintenance accrued to the petitioners before Registrar Judicial of this Court within a period of three weeks from the date of passing of this order.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:

12.03.2026

“Adil Ismail”