

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(1867/2024) IN FAO(MAT) 2/2024
CM(1868/2024) CM(1869/2024).

MOHAMMAD ABU MUSA MAZUMDAR.

...Appellant (s)

Through: Mr. Owais Shafi, Advocate.

VERSUS

NADIA RASHID.

Through: Mr. Asif, Advocate vice
Mr. I.A. Parray, Advocate.

...Respondent(s)

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER

08-05-2026

CM No. 1867/2024.

01. This is an application filed by the applicant/appellant seeking condonation of delay in filing the appeal against the impugned judgment and decree dated 24th of May, 2023, passed by the learned Principal Judge, Family Court, Srinagar.

02. In the application, it has been submitted that the impugned judgment and decree has been passed in ex- parte and, as such, the applicant/appellant had no knowledge about the passing of the said judgment and decree. It has further been submitted that the applicant/appellant came to know about the impugned judgment and decree on 1st of March, 2024, whereafter he approached this Court by filing the present appeal.

03. The present application has been objected to by the respondent. In the objections, it has been submitted that the applicant/appellant had appeared before the trial court through Virtual Mode and had actively participated in the initial hearings and, therefore, it is not open to him to claim that summons were not served upon him. It has further been submitted that the applicant/appellant had full knowledge about the ex parte judgment and decree dated 24th of May , 2023, from the date the impugned judgement and decree was passed

04. Heard and considered.

05. One of the grounds challenging the impugned judgment and decree passed by the trial court is that the appellant was not served with the summons of the suit. The issue whether the applicant/appellant had been properly served with summons of the suit is a matter which is required to be decided at the time of disposal of the main appeal. However, it is a fact that the impugned judgment and decree has been passed in ex-parte and it is also a fact that the applicant/appellant is a Bangladeshi national. Having regard to these circumstances, the delay in filing the appeal against the impugned judgment and decree is condoned.

06. Accordingly, the application is *disposed* of.

07. The Registry is directed to list the main appeal for admission on 29th of May, 2024.

(Sanjay Dhar)
Judge

SRINAGAR
08-05-2026
Showkat Khan