

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

**CM(M) 129/2026
CM(2142/2026)**

**Kaiser Ahmad Shah (Aged 38 years)
S/O Mohammad Shafi Shah,
R/O Janbazpora Baramulla.**

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

Through: -

Ms. Mahjabeen Gulzar, Advocate with
Ms Monisa Manzoor, Advocate.

V/s

**Ab. Rehman Wani
S/O Gh. Ahmad Wani
R/O Bandi Payen, Tehsil Wagoora, Baramulla.**

... Respondent(s)

Through:-

None.

CORAM:

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

(ORDER)

21.04.2026

01. Petitioner, through the medium of this petition, invoking supervisory jurisdiction of this Court seeks quashment of the Execution proceedings initiated against the petitioner by the respondent before Principal District Court, Baramulla, in a case titled as "*Abdul Rehman Wani vs. Kaiser Ahmad Shah*" and seeking appropriate direction, orders or writ in favour of the petitioner, against the respondents, in the facts and circumstances of the case.
02. Learned counsel for the petitioner submits that in a recovery suit against the petitioner herein, under Order 37 of CPC, for an amount of Rs. 7.00 lakhs, a decree was passed by the Court below on 12th of November, 2024, however, after passing of the decree, the parties entered into a compromise on 30th of August, 2025, whereby

whole of the payment sought by the decree holder has been liquidated.

03. He has alleged that the respondents filed an execution petition, thereafter and the Executing Court has initiated proceedings against the petitioner herein, so much so that an attachment warrant has also been issued.

04. On a pointed query by this Court as to whether the petitioner has approached Executing Court with this plea, the learned counsel has fairly conceded that the petitioner has not appeared before the Executing Court and has raised the question that the notice has not been properly issued, however, this contention is misplaced as the petitioner even now has a right to approach the Executing Court in the first instance, with his plea so as to apprise the Executing Court that the decree does not require to be enforced now in view of the compromise and payment made.

05. In view of above, the petition being misconceived is, accordingly, **dismissed in limine**. The petitioner, however, shall be at liberty to approach the Executing Court with the plea raised in this petition.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
April 21st, 2026
"Shoaib Javid"