

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 203/2026 CM 3422/2026

JAMMU AND KASHMIR BANK LTD ...Appellant/Petitioner(s)
TH.ITS ZONAL OFFICER

Through: Mr. Shafqat Nazir, Advocate

Vs.

NASEER AHMAD BHAT AND ...Respondent(s)
ANOTHER

Through:

CORAM:

HON'BLE MR JUSTICE RAJNESH OWSAL, JUDGE

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

ORDER

04.06.2026

CM 3422/2026:

For the reasons stated in the application, same is allowed and the requirement of filing the certified copy of the impugned order is dispensed with for the present and the applicant-petitioner bank is permitted to place the certified copy on record within four weeks.

CM is disposed of.

CM(M) 203/2026:

The petitioner, through the medium of this petition, filed under Article 227 of the Constitution of India, has impugned the order dated 18th of April, 2026, passed by the court of learned Chief Judicial Magistrate, Handwara, in case titled '*Naseer Ahmad Bhat alias Naseer-ul-islam and Another Vs. J&K Bank Limited*' with further prayer that the earlier order dated 17th of May, 2025, passed by the learned Chief Judicial Magistrate, Handwara, be restored.

Mr. Shafqat Nazir, learned counsel appearing for the petitioner-bank, has submitted that the respondents had earlier filed the writ petition bearing WP(C) No. 1092/2025 and the coordinate bench of this court vide order dated 14.05.2025 deferred the further action in terms of the impugned notice subject to deposit of 50% of the amount due as on date with the Bank. As the

respondents did not deposit the aforesaid amount in terms of the order dated 14th of May, 2025, the coordinate bench, in terms of order dated 10th of December, 2025 vacated the interim directions leaving the petitioner-bank free to proceed in terms of impugned notice to recover the amount. He further submits that prior to the order dated 10th of December, 2025, another writ petition bearing WP(C) No. 1887/2025 was preferred by the respondents but was withdrawn in terms of the order dated 25th of August, 2025, passed by the coordinate bench.

Mr. Shafqat Nazir, learned counsel for the petitioner-bank, has vehemently argued that once the coordinate bench, in terms of order dated 10th of December, 2025, had allowed the petitioner bank to proceed in terms of the impugned notice to recover the amount, the respondents could not have approached the learned Chief Judicial Magistrate, Handwara, to stall the proceedings initiated by the petitioner-bank.

Notice.

Prima facie case for indulgence is made out.

List on 15.07.2026.

In the meanwhile, subject to objections from the other side and till next date of hearing, operation of the impugned order dated 18.04.2026 shall stay.

(SANJAY PARIHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

SRINAGAR

04.06.2026

Misba Sajad