

S. No. 6
Suppl. Cause List

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

CM(M) No. 195/2024
CM No. 3514/2024

Abdul Majeed Gupkari ...Appellant/Petitioner(s)
Through: Mr. Owais Shafi, Advocate

Vs.

Shahzada Akhter and Ors. ...Respondent(s)
Through:

CORAM:
HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
20.06.2024

In the instant petition filed under Article 227 of the Constitution of India, the petitioner seeks setting aside of order dated 25.01.2024 as also order dated 08.08.2023, passed by the Court of 3rd Additional District Judge, Srinagar, in a case titled as “*Shahzada Akhter & Ors. v. Abdul Majeed Gupkaril*”.

It is submitted by learned counsel for the petitioner that the impugned order dated 25.01.2024 reflects error of jurisdiction by the Court below. He further submits that the Court below has directed Commissioner appointed vide order dated 08.08.2023 to visit the residence of the witness for recording his statement. However, as stated by learned counsel the order dated 08.08.2023 was recalled/rejected vide order dated 15.11.2023, while recalling/rejecting the order dated 10.08.2023, as the order dated 08.08.2023 was made part of the order dated 10.08.2023 in terms of order dated 15.11.2023. He also submits that impugned order dated 08.08.2023, after having been recalled, is sought to be again implemented through order impugned dated 25.01.2024.

Issue notice in main petition as well as in CM, returnable within a period of four weeks.

Requisites for service within one week.

In the meanwhile, subject to objections and till next date of hearing before the Bench, the operation of impugned order dated 25.01.2024 shall remain stayed.

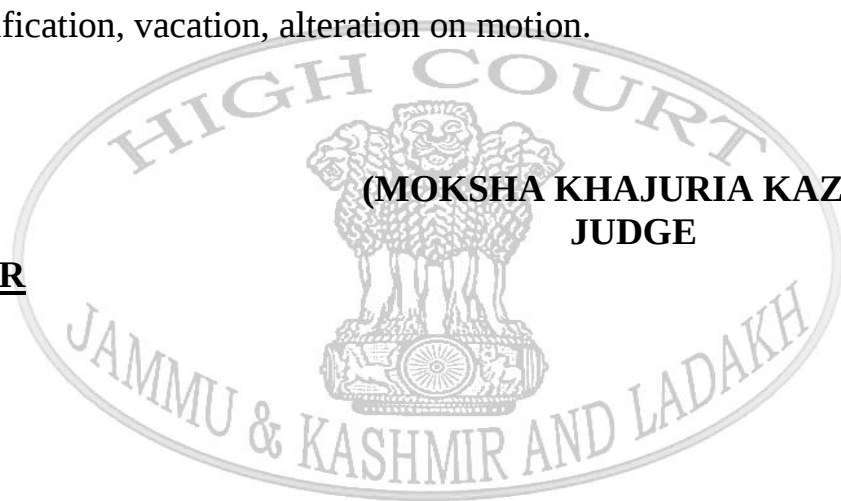
List on 28.08.2024.

Modification, vacation, alteration on motion.

SRINAGAR

20.06.2024

Manzoor



(MOKSHA KHAJURIA KAZMI)
JUDGE