

S. No.7
Regular List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) 398/2024
CrIM(922/2024)

ABDUL HAMID THOKER (SENIOR CITIZEN) ...Petitioner(s)

Through: Mr. Mudasir Bin Hassan, Advocate

Vs.

FAROOQ AHMAD MIR ...Respondent(s)

Through: Mr. Younis Ahad, Advocate vice
Mr. Malik Mushtaq, Advocate.

CORAM:
HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER
05.04.2025

1. In terms of an order dated 21.08.2024, Advocate Mr. Malik Mushtaq, Advocate is mentioned to have entered appearance purportedly on behalf of the respondents by submitting that he would be filing Power of Attorney (Vakalatnama) on their behalf before the next date of hearing for which the case was adjourned but on the next date there was absence of said counsel Mr. Malik Mushtaq.
2. On the last date 18.02.2025, Mr. Malik Mushtaq, Advocate was again absent.
3. Today, when this Court is in the course of dictating the order to reflect about continuing absence of Mr. Malik Mushtaq Advocate, his associate namely Mr. Younis Ahad, Advocate appears and submits that Advocate Mr. Malik Mushtaq is not in contact with the respondents meaning thereby Advocate Mr. Malik Mushtaq intends to relieve himself from the case leaving it for the court to carry out fresh service of the respondents which having taking place once is meant to be repeated at the cost of the petitioner's expense which this court

- is not inclined to do as Mr. Malik Mushtaq, learned Advocate ought to have been careful and responsible enough at the very first stage to come up with the Vakalatnama on behalf of the respondents or not to come up with submission that he would be filing Power of Attorney on behalf of the respondents.
4. Therefore, this court directs Mr. Malik Mushtaq, learned advocate to deposit three registered postal covers out of his own pocket expense with the Registrar Judicial, Srinagar within a period of seven days for the purpose of facilitating fresh service of respondents. In default of deposit of the registered postal covers by Mr. Malik Mushtaq Advocate, this Court would be taking a serious notice of default reckoning it amounting to the contempt of court.
 5. In the event of registered postal letters getting deposited, Registrar Judicial, Srinagar to issue notice to the respondents.
 6. This order is being passed in presence of associate Advocate Mr. Younis Ahad Advocate and as such it is expected that Mr. Malik Mushtaq learned Advocate would act in compliance with the directions as given hereinabove.
 7. List on 13.05.2025.

(RAHUL BHARTI)
JUDGE

SRINAGAR

05.04.2025

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