

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

Date of Pronouncement: 16.12.2025
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CM(M) 551/2025
CM(8370/2025) Caveat 3048/2025

ASHAQ HUSSAIN BHAT AND ANR Petitioner (s)

Through: Mr. Salih Pirzada, Advocate. with
Ms. Sharaf Wani, Advocate.

V/s

MUDASIR AHMAD BHAT AND ANR. Respondent(s)

Through: Mr. Showkat Ali Khan, Advocate.

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

16.12.2025

1. The petitioners have challenged order dated 18.11.2025 passed by the learned Principal District Judge, Pulwama whereby appeal filed by the respondents against order dated 26.09.2025 passed by the learned Sub Judge (Chief Judicial Magistrate) Pulwama in a suit filed by the petitioners against the respondents, has been allowed and the application for grant of interim injunction under Order 39 Rules 1 and 2 of Code of Civil Procedure filed by the petitioners/plaintiffs, has been dismissed.
2. Issue notice to the respondents.

3. Mr. Showkat Ali Khan, Advocate who is on caveat accepts notice on behalf of the respondents. He seeks time to file reply to the petition. Needful be done by next date of hearing.
4. I have heard learned counsel for the parties on the question of grant of interim relief and also perused the record of the case.
5. The contention of the petitioner is that the respondents who are not partners of the Firm but are close relatives of co-partner Shri Fayaz Ahmad Bhat have no right to interfere in the partnership business during the subsistence of the partnership. It has been contended that the respondents/defendants claim to be assignees of co-partner Shri Fayaz Ahmad Bhat and in terms of Section 29(1) of the Partnership Act, they cannot interfere in the business of the firm of which petitioner No. 1 admittedly happens to be the Managing Partner. It has been submitted that the learned appellate court has misread the pleadings filed by the petitioner in a separate proceedings and recorded a finding that the petitioners have admitted that the co-partner Shri Fayaz Ahmad Bhat is running the business separately
6. Prima facie, a case for grant of interim indulgence is made out at this stage.
7. Accordingly, subject to objections and till next date of hearing before the Bench, the impugned order passed by the learned appellate court shall remain stayed and the order passed by the learned trial court shall

stand restored till next date of hearing. However, this order shall not come in the way of the co-partner Shri Fayaz Ahmad Bhat to deal with the partnership business in accordance with the terms of the partnership business.

8. List on 25.02.2026.

SRINAGAR
16.12.2025
Aasif

