

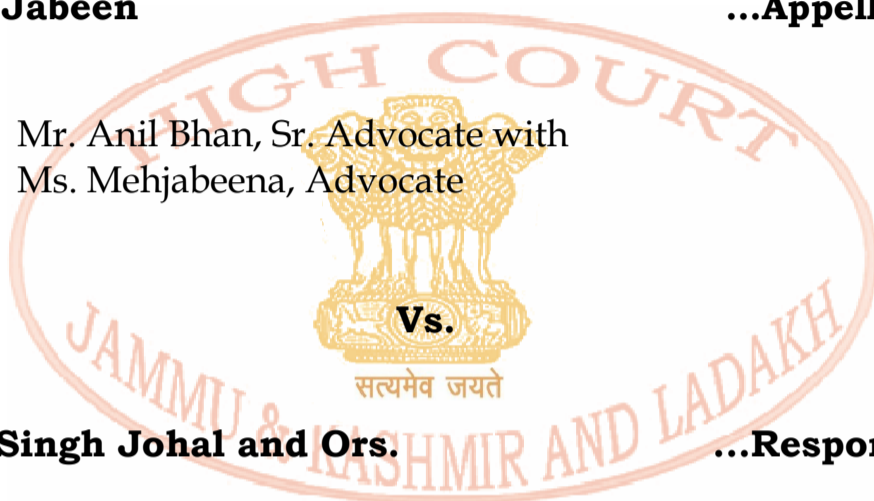
**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

**MA 54/2018  
c/w CPC 14/2018  
CR 39/2018**

**Masooda Jabeen**

**...Appellant(s)**

Through: Mr. Anil Bhan, Sr. Advocate with  
Ms. Mehjabeena, Advocate



**Kulwant Singh Johal and Ors.**

**...Respondent(s)**

Through: Mr. Sunil Sethi, Sr. Advocate with  
Mr. Parimoksh Seth, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**

28.08.2025

1. In terms of an order dated **08.08.2025**, this Court came to set the respondents *ex-parte* while registering the plea of Mr. Anil Bhan, learned Senior Counsel assisted by Ms. Ms. Mehjabeen, Advocate for the appellant that with coming into force of **S.O. 1229 (E) of 2020** dated **31.03.2020**, the respondents, who are the plaintiffs in a civil suit against the appellant herein (being one of the three defendants) seeking a decree of right of prior

purchase under Jammu & Kashmir Right to Prior Purchase Act, Svt. 1993 which has come to suffer repeal by virtue of **SO 1229 (E) of 2020** dated **31.03.2020** and the respondents have lost their lis by roots and branches, and, therefore, the suit instead of being kept on board ought to have been dismissed because of passing of **SO 1229 (E) of 2020** dated **31.03.2020** and, accordingly, even this appeal which is otherwise addressed against an interim injunctory order of the court of Additional District Judge, Jammu stood infructuous because of loss of original lis to the plaintiffs/respondents.

2. In this regard, Mr. Anil Bhan, learned Senior Counsel had drawn the attention of this Court to judgments of the coordinate Benches of this Court in the cases of "*Abdul Samad Bhat and Anr. Vs. Javid Ahmad Hakak and Ors.*" in RP No. 58/2025 in CFA No. 139/2017, "*Mohammad Jamal Parray Vs. Ghulam Qadir Mir and Ors.*" in CR No. 32/2022 and "*Sukhdev Singh and Ors. Vs. Arun Prakash and Ors.*" in CSA No. 30/1995.

3. Mr. Sunil Sethi, learned Senior Counsel assisted by Mr. Parimoksh Seth, Advocate on behalf of the respondents who are otherwise ex-parte, submits that the lis is salvageable. This Court would have determined the fate of the civil suit of the respondents along with the fate of the present appeal in the light of the aforesaid judgments of the coordinate Benches, but Mr. Sunil Sethi, learned Senior Counsel submits that he would distinguish the said judgments in terms of their application to the facts of the present case and, therefore, seek indulgence of this Court to grant him one opportunity.

4. List in continuation on **02.09.2025** in the Daily Supplementary Causelist.

5. Interim direction, if any, to continue till next date of hearing.

**(RAHUL BHARTI)**  
**JUDGE**

**SRINAGAR:**

28.08.2025

"Mir Arif"