

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- RFA No. 24/2025
CM No. 2980/2025
CM No. 2981/2025

Ajay Kumar

.....Appellant(s)/Petitioner(s)

Through: Mr. Arjun Bhatia, Advocate.

Vs

Suresh Gupta

.....Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(02.06.2025)

01. The appellant – Ajay Kumar is the plaintiff in a civil suit on file No. 58/Civil preferred before the court of learned Principal District Judge, Udhampur.

02. The said civil suit has come to be rejected by virtue of an order dated 09.10.2024 in terms of Order 7 rule 11 of the Code of Civil Procedure, 1908 amounting to a decree against which the present appeal under section 96 read with Order 41 of the Code of Civil Procedure, 1908 has come to be preferred.

03. The institution of the present appeal had taken place on 07.01.2025 through learned Advocate Mr. R. K. Bhatia.

04. Upon examination of the memo of appeal, some defects were pointed out for which the file was handed over to Mr. R. K. Bhatia, learned Advocate for carrying out the necessary corrections but in the meantime, learned Advocate Mr. R. K. Bhatia came to demise and the defects came to be removed later on to regularize the institution of the present appeal on 20.05.2025. Institution of the appeal is within time.

05. Issue notice to the respondent in the main appeal as well as in CM No. 2980/2025.

06. Send for the record of civil suit file No. 58/Civil titled – **“Ajay Kumar vs Suresh Gupta”** from the court of learned Principal District Judge, Udhampur.

07. Service of the respondent to take place in terms of an Order 5 of the Code of Civil Procedure, 1908.

08. Let summons be addressed to the respondent for which the service to be carried out by the Tamilat Section of the learned Principal District Judge, Udhampur.

09. List on **01.08.2025**.

(RAHUL BHARTI)
JUDGE

JAMMU
02.06.2025

Bunty