

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

CJ Court

Case: LPA No. 138/2019

c/w

LPA No. 140/2019

LPA No. 141/2019

Bodh Raj

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

Through: Mr. Vikas Mangotra, Advocate

V/s

J&K Special Tribunal & Ors.

.... Respondent(s)

Through: Ms. Sagira Jaffer, Assisting counsel to
Ms. Monika Kohli, Sr. AAG for respondent nos. 2
and 3.
Ms. Surinder Kour, Sr. Advocate with
Mr. Michael Singh, Advocate for respondent nos.
4 to 10.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

ORDER

12.02.2026

Learned counsel for the appellant submits *inter alia* that there cannot be any quarrel with the settled proposition of law that once a mortgagee, always a mortgagee and, therefore, the private respondents, who were put in possession of subject land as mortgagees, could never be termed as tenants, which is the basic requirement to even maintain Mutation under Section 4 of the *Jammu and Kashmir Agrarian Reforms Act, 1976*.

Thus, he asserts that even the finding recorded by the Writ Court that the private respondents, who were originally the mortgagees, later became tenants in cultivation, is preposterous.

Faced with this, learned Senior counsel for the respondents prays for a short accommodation to seek instructions and examine the record.

Adjourned to February 19, 2026.

**(RAJNESH OSWAL)
JUDGE**

**(ARUN PALLI)
CHIEF JUSTICE**

Jammu
12.02.2026
Sunita