

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

CM(M) No. 207/2026

Ram Dayal and another

.....Applicant(s)/Petitioner(s)

Through :- Mr. Jagpaul Singh, Advocate

v/s

Anil Dutta and others

.....Respondent(s)

Through :-

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
30.09.2026

1. In this petition, petitioners have invoked jurisdiction under Article 227 of the Constitution of India, thereby challenging order dated 02.05.2026, issued by the Ld. Spl. Mobile Magistrate (Passenger Tax), Jammu, in Civil Suit titled ***“Ram Dayal and another Vs. Anil Dutta and others”***, whereby the written statement filed by the respondents has been accepted and taken on record after the expiry of statutory period of 120 days, by rejecting the application of the petitioners seeking closure of the right of the respondents to file written statement strictly in terms of Order 8 Rule 1 of Code of Civil Procedure, 1908.
2. Learned counsel for the petitioners while placing reliance upon judgment passed in WP(C) No. 1307/2023, titled ***“Anoop Dutta Vs. UT of J&K and others”***, has vehemently argued that the objection filed by the petitioners have not been considered and appreciated by the Court of Ld. Spl. Mobile Magistrate (Passenger Tax), Jammu, in terms of the impugned order dated 02.05.2026.

3. Issue notice to the respondents, returnable within four weeks, subject to taking of requisite steps within one week.
4. List on **23.11.2026**.
5. Meanwhile, subject to objections and till next date of hearing, the order impugned dated 02.05.2026, shall remain stayed.

(Moksha Khajuria Kazmi)
Judge

JAMMU
30.09.2026
RAHUL SHARMA

