

(2026) 08 J&K CK 0745

In the Jammu And Kashmir High Court, Jammu Bench

Case No : CM(M) No. 179/2025

Prem Singh

APPELLANT

Vs

Dr. Virinder Kumar Dubey and others

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Citation : (2026) 08 J&K CK 0745

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Mr. Sunil Sethi, Sr. Adv. with Mr. Lawanya Sharma, Adv. for the petitioner; Mr. Jasbir Singh Jasrotia, Adv. for No. 1; Mr. Taushar Chopra, Adv.; Mr. Mayank Gupta, GA for No. 2; Ms. Sagira Jaffer, Adv. vice Ms. Monika Kohli, Sr. AAG for No. 3

Final Decision : Disposed of

Judgement

1. Vide interim order dated 24.05.2025 passed by the 1st Civil Subordinate Judge (Special Mobile Magistrate), Jammu (for short the trial court) in civil suit, titled, Prem Singh vs. Virender Kumar Dubey and others, the application preferred by the petitioner came to be dismissed and the interim direction of *ex parte* status *quo* granted in terms of order dated 16.11.2015 was vacated.

2. Aggrieved by the order dated 24.05.2025, the petitioner filed a Civil 1st Miscellaneous Appeal bearing No. 91/2025 before the 2nd Additional District Judge, Jammu (for short the appellate court), but it appears that the respondent No. 1 was on caveat and the learned appellate court in terms of order dated 05.06.2025 refused to stay the operation of the order dated 24.05.2025. It is against the order of the learned trial court dated 24.05.2025 and the order of the appellate court dated 05.06.2025, the petitioner has come up with this petition under Article 227 of the Constitution. The Coordinate Bench of this Court, in terms of order dated 23.06.2025, after discharging the caveat filed by respondent No. 1, directed the parties to maintain status *quo*. The said order was passed after hearing learned counsel representing contesting parties.

3. The order of status *quod* dated 23.06.2025 continues to remain in operation till date and the appeal is still pending before the appellate court and has not been brought to its logical end, despite the fact that there was no stay of the proceedings by this Court.

4. After arguing for a while, Mr. Sunil Sethi, learned senior counsel appearing for the petitioner and Mr. Jasbir Singh Jasrotia, learned counsel for respondent No. 1 arrived at a consensus that the present petition be disposed of by requesting the learned appellate court to decide the appeal preferred by the petitioner within a period of one month and till then operation of order dated 23.06.2025 may be continued.

5. Taking into consideration that no proceedings have taken place before the appellate court for more than one year as well as submissions of the learned counsel for the parties, the present petition is disposed of by requesting the learned appellate court to decide the appeal preferred by the petitioner within a period of one month from the date of receipt of this order. Till then, order dated 23.06.2025 shall continue. It is made clear that no request for unnecessary adjournments shall be entertained by the appellate court.

6. Parties shall appear before the appellate court on Monday, i.e. 10.08.2026.