Sr. No.135

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

(Through virtual mode)

Case:-CM No. 8339/2025 in
CM(M) No. 399/2025

Nazir Ahmad Parray and ors. …Petitioner(s)/Appellant(s)

Through: None.

V/s

Owais Ahmad Wani …. Respondent(s)

Through: Mr. Mohd. Imran Bhat, Advocate.

CORAM: HON'BLE MR. JUSTICESANJAY DHAR, JUDGE

ORDER
30.12.2025

This is an application filed by respondent seeking disposal of the main petition. In the application, the respondents have conceded that the impugned order passed by the learned Executing court is not in accordance with law and it has been prayed that the said order may be set-aside and the learned Executing court may be given liberty to proceed further in the matter in accordance with law.

I have perused the impugned order passed by the learned Executing Court. Vide the said order, a recovery warrant has been issued against the judgment debtor and the same has been sent to SSP Srinagar for execution. The option available with the learned Executing Court was to issue warrants of attachment relating to the property of the judgment debtor or to issue show-cause notice to him as to why he should not be detained in civil prison in case he had no property that could be attached. Instead of adopting the said course, the learned Executing Court has issued recovery warrant and sent it to the SSP for execution. The

course adopted by the learned Executing Court appears to be contrary to the provisions of the CPC, particularly, those relating to execution of decrees.

In view of the above, the impugned order dated 09.09.2025 passed by the learned Executing Court is set-aside, leaving it open to the said Court to proceed in accordance with law for the purpose of execution of the decree.

The Petition is disposed of.

Copy of this order be sent to the learned Executing Court.

(SANJAY DHAR)
JUDGE

Jammu
30.12.2025
Raj Kumar



Raj Kumar
2025.12.31 17:23
I attest to the accuracy and
integrity of this document