Serial No. 139

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CM(M) No. 208/2026
CM No. 6936/2026

Mohd Sikander …..Appellant(s)/Petitioner(s)

Through: Mr. Amit Gupta, Advocate

vs

Girdhari Lal and ors. ….. Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
30.09.2026

1. This is a petition filed under Article 227 of the Constitution seeking a direction upon the learned Motor Accident Claims Tribunal, Udhampur for expeditious disposal of the application of the petitioner filed under Order IX Rule 13 CPC for setting aside the *ex-parte* award dated 22.01.2019.

2. It is being contended by the learned counsel for the petitioner that the execution proceedings are pending against the petitioner and the learned Tribunal, without deciding the application of the petitioner under Order IX Rule 13 CPC, proceeded with the execution proceedings.

3. Having regard to the nature of relief being sought by the petitioner, the petition can be disposed of at threshold stage by extending appropriate directions to the learned Tribunal.

4. Accordingly, the petition is disposed of with a direction to the learned Tribunal to dispose of the application of the petitioner under Order IX Rule 13 CPC most expeditiously, preferably within a period of one

month from the date a copy of this order is made available to the learned Tribunal. The execution proceedings initiated against the petitioner shall not be proceeded with till such time the application is decided. This, shall however, be subject to the condition that disposal of the application under Order IX Rule 13 CPC does not get delayed at the behest of the petitioner for any reason whatsoever.

5. The petition stands **disposed of**.

(SANJAY DHAR)
JUDGE

Jammu
30.09.2026
Neha-II

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

NEHA KUMARI
2026.09.30 18:50
I attest to the accuracy and
integrity of this document