

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

**CM(M) 191/2026
CM. 3286/2026
CM 3287/2026**

*Reserved on: 01.06.2026
Pronounced on: 06.06.2026
Uploaded on: 06.06.2026
Whether full judgment or
operative has been pronounced: Full*

1. Principal, Woodland House School, Shivpora, Sonwar Srinagar
2. Mrs. shariefa Arshid, Academic Supervisor, W.H.S. Boys Wing Sonwar
3. Mrs. Fozia Majeed, Academic Supervisor W.H.S. Boys Wing Gupkar

.....Petitioner(s)

Through: Mr. Anil Bhan, Senior Advocate with
Mr. Danish Majeed Dar & Ms. Moneesa Manzoor,
Advocates

Vs.

1. Shakeel Ahmad Malik
S/o Late Abdul Aziz Malik
R/o Sonwar Bagh, Srinagar

.....Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

JUDGMENT

PRAYER:

1. The Petitioners through the medium of instant petition has sought followings reliefs from the Court:

- i. Set aside/quash the impugned order dated 15.10.2025 passed by the learned 4th Additional Munsiff, Srinagar, in the case titled "Shakeel Ahmad Malik versus Principal, Woodland House School, Shivpora, Sonwar, Srinagar & Ors.", bearing File No. 1977/2022, whereby the learned Trial Court has allowed the application seeking execution/implementation of*

- the interim order dated 14.06.2022 and has directed the Petitioners to comply with the said order within a period of four weeks, with further coercive observations regarding attachment of the salary accounts of the Petitioner School maintained with J&K Bank, Gupkar Branch, detention of the Managing Director and initiation of contempt proceedings;*
- ii. Set aside all consequential directions and observations contained in the impugned order dated 15.10.2025, including the directions/observations relating to attachment of the salary accounts or any other bank accounts of the Petitioner School, detention of the Managing Director or any officer/representative of the Petitioner School, and initiation of contempt proceedings on the basis of the alleged non-compliance of the interim order dated 14.06.2022;*
 - iii. Direct the learned Trial Court to decide the main suit strictly in accordance with law and on its own merits, uninfluenced by any observations made in the impugned order dated 15.10.2025, particularly the observations touching upon the alleged merits of the Respondent's claim, alleged hardship, alleged entitlement to salary, alleged conduct of the Petitioners, and alleged entitlement of the Respondent to the designation/benefits claimed in the suit;*
 - iv. Direct that the Respondent shall not be permitted to pursue parallel and overlapping coercive proceedings, namely execution/implementation proceedings and contempt proceedings, on the same cause of action and in respect of the very same alleged non-compliance of the interim order dated 14.06.2022, except in accordance with the procedure known to law and subject to such orders as may be passed by this Hon'ble Court;*

BRIEF FACTS:

2. The brief facts of the case are that the respondent-plaintiff instituted a civil suit seeking declaration that he was entitled to be treated/designated as Supervisor and that the designation of defendant Nos. 2 and 3 therein as Supervisors was illegal. Consequential relief regarding release of salary was also sought. Alongside the suit, an application under Order XXXIX Rules 1 and 2 CPC came to be filed.

3. During pendency of the suit, the services of the respondent-plaintiff were terminated by order dated 11.05.2022 with effect from 01.07.2021. The said termination order was brought on record before the Trial Court.
4. The Trial Court, by order dated 14.06.2022, directed the petitioner-school to pay 50% of the monthly salary to the respondent for the period from April 2021 till 11.05.2022 subject to an undertaking that in the event the plaintiff failed in the suit, he would reimburse the amount.
5. The aforesaid order was challenged before the appellate court and thereafter before this Court. The challenge ultimately did not succeed. A review petition against the order of this Court is stated to be pending.
6. Subsequently, the respondent-plaintiff moved an application seeking implementation/execution of the interim order dated 14.06.2022.
7. Initially, the Trial Court passed an order dated 15.05.2024 directing suspension of registration of the petitioner-school. The said order was stayed by this Court in CM(M) No.166/2024 vide order dated 22.05.2024 while observing that the Trial Court would be at liberty to adopt any mode available in law.
8. Thereafter, the impugned order dated 15.10.2025 came to be passed by the learned Executing Court, whereby the execution application filed by the respondent was allowed. The Court further directed that, in the event of non-compliance with the order, it would be at liberty to attach the salary account of the school maintained with J&K Bank, proceed against the Managing Director by way of detention for disobedience of the

Court's directions, and initiate contempt proceedings in accordance with law.

9. Feeling aggrieved by the aforesaid order, the petitioners have invoked the jurisdiction of this Court by way of the instant petition.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

10. Learned counsel for the Petitioners submitted that the impugned order suffers from patent lack of jurisdiction. It is argued that the order dated 14.06.2022 is merely an interlocutory order passed under Order XXXIX Rules 1 and 2 CPC and cannot be equated with a decree within the meaning of Section 2(2) CPC nor can it be executed under Section 36 CPC.

11. Learned counsel submits that where an allegation of breach of an injunction order is made, the Code itself provides a specific mechanism under Order XXXIX Rule 2-A CPC and the Trial Court could not invent a separate execution procedure unknown to law.

12. It is further argued that the Trial Court has misconstrued the liberty granted by this Court in CM(M) No.166/2024. According to learned counsel, this Court had permitted only such modes as are available in law and not coercive methods beyond statutory authority.

13. Learned counsel for the petitioner submitted that the impugned order rests substantially upon certain judicial precedents without furnishing complete and accurate citations thereof, without identifying the legal

principles or ratio decidendi emerging from the said decisions, and without examining their applicability to the facts and circumstances of the present case.

14. It is argued that the respondent's services already stood terminated and the validity of such termination remains a disputed issue. Therefore, the Trial Court could not indirectly grant final relief by compelling payment through coercive process.

15. It is submitted that attachment of school accounts, detention of the Managing Director and initiation of contempt proceedings have been threatened without jurisdiction and in disregard of the settled distinction between execution proceedings and proceedings for alleged disobedience of injunction orders.

16. The learned counsel for the petitioners further argued that since the Review Petition against the order dated 03.11.2023 is pending before this Court, therefore, the Trial Court ought to have refrained from proceeding with the matter or enforcing the order dated 14.06.2022.

17. Having heard learned counsel for the parties and perused the material on record.

LEGAL ANALYSIS:

18. Before advertent to the grounds urged in the instant petition, it would be apposite to notice the sequence of proceedings that have ensued between the parties. A careful examination thereof would reveal that the

petitioners have consistently resisted compliance with the judicial directions passed in favour of the respondent-plaintiff and have, at every stage, sought to obstruct and delay their implementation. The record discloses a continuous pattern of litigation undertaken by the petitioners, not for securing any substantive adjudication of rights, but for avoiding compliance with orders which have repeatedly been affirmed by the competent Courts.

19. A bare perusal of the material on record reveals that respondent-plaintiff instituted a civil suit for declaration and mandatory injunction before the learned Trial Court and, during its pendency, moved an application seeking interim relief for release of salary. The learned Trial Court, vide order dated 14.06.2022, allowed the said interim application and directed the petitioners-defendants to release 50% of the monthly salary of the plaintiff for the period from April, 2021 till 11.05.2022, i.e., the date of issuance of termination order, subject to furnishing of an undertaking by the plaintiff to refund the amount in the event of failure in the suit. The said order was passed as an interim arrangement and was stated to be subject to the final outcome of the suit.

20. Aggrieved thereof, the petitioners preferred an appeal before the learned 1st Additional District Judge, Srinagar. The learned Appellate Court, after hearing the parties, dismissed the appeal and affirmed the interim direction passed by the learned Trial Court by virtue of an order dated 05.09.2023. For the facility of reference operative part of judgment is reproduced as under:

“For what has been stated herein above it is established that the order passed by the trial Court which is under challenge is well reasoned and does not deserve any interference. Therefore, the appeal is dismissed. The order dated 02.07.2022 passed by this court shall stand vacated. Trial Court be informed accordingly. “

21. The petitioners thereafter invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India by filing CM(M) No.299/2023. This Court, upon consideration, declined to interfere with the concurrent orders passed by the Courts below, and the interim direction was accordingly upheld. For the facility of reference operative part of judgment is reproduced as under:

“9. The counsel for the petitioners could not otherwise point out any glaring miss in the orders which required interference by this Court.

10. It is trite proposition of law that the powers and interfere in the orders of the Courts below unless grave injustice appears to have been. Even the mistake of fact or law will not prompt this Court to set aside the orders, which may be impugned by the petitioners in the petition filed under Article 227 of the Constitution of India.

11. In view of above, the petition being without merit shall stand dismissed along with connected CM(s).”

22. Thereafter, in view of non-compliance of the said order dated 14.06.2022, the respondent-plaintiff initiated execution proceedings before the learned Trial Court for enforcement of the said direction. The learned Executing Court, upon consideration of the matter, allowed the execution application vide order dated 15.10.2025 and directed compliance of the order dated 14.06.2022.

23. Aggrieved of same he again approached this Court contending that the impugned order passed by the Learned Trial Court is beyond the scope of provisions contained in order 39 rule 2A of Code of Civil Procedure. This

Court by virtue of an order dated 22.05.2024 stayed the operation of impugned order. However, it was directed that it shall be open to the Learned Trial Court to adopt any other mode available in law for executing the interim order. For the facility of reference operative part of judgment is reproduced as under:

“Issue notice to the respondent subject to taking of necessary steps by the petitioners within one week. In the meantime, the impugned order passed by the learned trial court shall remain stayed. However, it shall be open to the learned trial court to adopt any other mode available in law for executing the interim order. It shall also be open to the petitioners to file objections to the execution petition and project their stand before the learned trial court.”

24. Pursuant to the passing of the aforesaid order, the respondent instituted an execution application before the learned 4th Additional Munsiff, Srinagar. Upon consideration of the matter, the learned Executing Court passed the impugned order dated 15.10.2025, whereby the execution application was allowed. The Court further directed that, in the event of non-compliance with the order, it would be at liberty to attach the salary account of the school maintained with J&K Bank, proceed for the detention of the Managing Director for disobedience of the Court's directions, and initiate contempt proceedings in accordance with law.

25. Feeling aggrieved by the aforesaid order, the petitioners have invoked the jurisdiction of this Court by way of the instant petition challenging the legality and correctness of the aforesaid execution order.

26. The aforesaid chronology of events unmistakably demonstrates the persistent and deliberate attempt of the petitioners to evade compliance with the judicial directions passed by the competent Courts. The interim order dated 14.06.2022 directing release of 50% salary in favour of the respondent-plaintiff was not only affirmed by the learned Appellate Court vide judgment dated 05.09.2023, but was also upheld by this Court in proceedings under Article 227 of the Constitution. Thus, the petitioners exhausted all available remedies against the said order and suffered concurrent findings at every stage.

27. Despite the matter having attained finality insofar as the interim relief was concerned, the petitioners chose not to comply with the directions issued by the Courts. Their conduct compelled the respondent-plaintiff to initiate execution proceedings for enforcement of an order that had already been upheld by three judicial forums. Even thereafter, instead of honouring the judicial mandate, the petitioners continued to devise means to delay and obstruct its implementation.

28. Significantly, while this Court, vide order dated 22.05.2024, stayed only the particular mode of execution adopted by the Trial Court, it expressly left it open to the Executing Court to adopt any other mode permissible in law for execution of the interim order. The said order neither diluted nor suspended the obligation of the petitioners to comply with the order dated 14.06.2022. Rather, it reaffirmed the enforceability of the said direction by permitting execution through alternative legal modes.

29. Notwithstanding the aforesaid clarification by this Court, the petitioners persisted in resisting execution and, upon the learned Executing Court adopting another lawful mode for enforcement of the order, have once again approached this Court challenging the execution proceedings. The repeated institution of proceedings, not against the substantive order which already stands affirmed up to this Court, but against every step taken towards its execution, clearly reflects an intention to frustrate and delay the implementation of the judicial directions rather than to seek any bona fide adjudication of legal rights.

30. The conduct of the petitioners, viewed in its entirety, manifests a calculated strategy of obstruction and non-compliance, which speaks volumes about the conduct on part of the petitioners to frustrate the rights of the respondents herein by indulging in uncalled for litigation. Having failed before the three forums, i.e. Learned Trial Court, the Appellate Court and this Court, and having suffered concurrent findings throughout, the petitioners cannot be permitted to repeatedly invoke the jurisdiction of this Court merely to postpone compliance with a binding order. The present petition, therefore, appears to be a continuation of the same endeavour to defeat and delay the execution of lawful judicial orders and is liable to be viewed as lacking in bona fides.

31. The principal contention advanced by learned counsel for the petitioners is that the order dated 14.06.2022 having been passed on an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure is merely an interlocutory order and, therefore, incapable of execution under Section 36 of the Code of civil procedure. According to the

petitioners, the only remedy available to the respondent, in the event of alleged non-compliance, was to invoke the provisions of Order XXXIX Rule 2-A CPC and not to seek implementation or execution of the said order.

32. Since, section 36 of CPC is very relevant and germane to the controversy at hand, it would be appropriate to reproduce Section 36 of the Code of Civil Procedure, which reads as under:

"36. Application to orders.—The provisions of this Code relating to the execution of decrees shall, so far as they are applicable, be deemed to apply to the execution of orders."

33. A plain reading of the aforesaid provision makes it clear that the legislature has extended the scope of provisions relating to execution of decrees to orders as well. Significantly, Section 36 CPC does not confine its operation only to decrees, nor does it use the expression "final orders". Instead, the legislature has used the broader expression "orders", thereby indicating that certain orders of a civil court, though not amounting to decrees, may also be enforced through the process of the Court.

34. The scope and ambit of Section 36 of the Code of Civil Procedure, which extends the provisions relating to the execution of decrees to the execution of orders, read conjointly with the provisions contained in Order XXI CPC governing execution proceedings, came up for consideration before the Hon'ble Supreme Court in **Sheela Jerald & Ors. v. Pushpadasan, Civil Appeal No. 7650 of 2018**. The question before the Court was whether an order of interim injunction could be enforced through execution proceedings under the Code or whether the aggrieved

party was confined only to the remedy contemplated under Order XXXIX Rule 2-A CPC for disobedience of injunction orders.

35. Answering the issue in unequivocal terms, the Hon'ble Supreme Court held that an interim injunction does not become inexecutable merely because it is interlocutory in nature and that, by virtue of Section 36 CPC, the execution machinery available for decrees is equally available for enforcement of judicial orders. For the facility of reference relevant part of judgement is reproduced as under:

"3. The High Court has refused to entertain an execution petition filed by the appellants for enforcing the order of interim injunction granted to them restraining the purchase from disturbing the peaceful possession of the premises and further directing him to vacate the premises in question.

4. The sole ground on which the High Court has refused to permit execution of the order is that the order sought to be enforced by execution is an interim order. This finding of the High court is obviously untenable in view of Section 36, C.P.C. which reads as under:

"36. Application to orders-The provisions of this Code relating to the execution of decrees (including provisions relating to payment under a decree) shall, so far as they are applicable, be deemed to apply to the execution of orders (including payment under an order."

5. In M.V.S. Manikyala Rao vs. M. Narasimhaswami&Ors., AIR 1966 SC 470, this Court rejected the contention that order XXI Rule 35 (2) did not apply to the case in hand because the order in question was only an order for delivery of joint possession and not a decree. The Court observed that "this contention cannot be accepted because under Section 36 of the Code the provisions relating to the execution of decrees are applicable to execution of orders."

We find that there is no material difference between the order that fell for consideration in Manikayala Rao's case (supra) and an order such as an order granting an interim njunction.

6. Learned counsel for the respondent submitted that an interim order cannot be executed under the provisions of the

CPC because Order 39 Rule 2 (a) provides for consequence of disobedience of an injunction. It is not possible to hold that a provision which provides for a consequence of disobedience of an injunction has no relevance to whether an order passed under the CPC validly by the competent Court can be executed or not.

7. Indeed an order passed validly by a competent Court must be capable of execution if it has to have any meaning for the parties in litigation. "

36. The ratio emerging from the aforesaid judgment is that Section 36 CPC statutorily incorporates orders within the framework of execution proceedings and, consequently, interim injunction orders are executable through the mechanism provided under Order XXI CPC. The availability of proceedings under Order XXXIX Rule 2-A CPC is, therefore, supplemental and not destructive of the independent remedy of execution.

37. The aforesaid position stands reinforced by the judgment of Bombay High Court in *Venkat Niloba Kabade v. Kishan Dadarao Dhuma*, reported as *1983 SCC OnLine Bom 158*, wherein it was held that after the amendment of Section 36 CPC by Act No. 104 of 1976, the provisions governing execution of decrees became equally applicable to the execution of orders. The Court specifically observed that where Order XXI Rule 35 CPC prescribes the procedure for execution of a decree for possession, the same procedure, by virtue of Section 36 CPC, would be available for execution of orders as well. The relevant observations are reproduced as under::

“ In addition to this, Mr. Bajpai placed reliance upon sub-rule (5) of Rule 32 of Order 21 of the Civil Procedure Code and it runs as follows:—

“(5) Where a decree for the specific performance of a contract or for an injunction has not been obeyed, the Court may, in lieu of or in addition to all or any of the processes aforesaid, direct that the act required to be done may be done so “far as practicable by the decree -holder or some other person appointed by the Court, at the cost of the judgment-debtor, and upon the act being done the expenses incurred may be ascertained in such manner as the Court may direct and may be recovered as if they were included in the decree.”

8. According to Mr. Bajpai, the remedy in sub-rule (5) is in addition to the remedies provided for the decree-holder in the other provisions of this very Rule and those other provisions are for attachment of moveable property or for detention in civil prison. Definitely there is some force in his submission. Even otherwise I have pointed out earlier that even interim orders of the Court can be executed in view of the clear provisions of section 36 of the Civil Procedure Code and in this view of the matter I do not find any error in the order of the trial Court. “

38. In that view of the matter, this Court is unable to accept the broad proposition canvassed by the petitioners that Order XXXIX Rule 2-A CPC constitutes the sole and exclusive remedy available in every case of non-compliance of an interim order.

39. Consequently, the contention of the petitioners that Order XXXIX Rule 2-A CPC constituted the only remedy available in law is misconceived, and is accordingly rejected.

40. Learned Counsel for the petitioners contended that the Learned Trial Court violated the High Court’s earlier order dated 22.05.2024. It was further contended that the learned Trial Court should not have passed coercive directions because this Court, in its earlier order dated 22.05.2024 in CM(M) No.166/2024, had already stayed it.

41. Upon the perusal of the said order dated 22.05.2024, it is manifestly clear that this Court had only stayed a *specific coercive direction* i.e the

suspension of the school's registration. It did not put a blanket bar on all proceedings. Instead, it clearly permitted the Trial Court to proceed in accordance with law and even observed that the Trial Court was "at liberty to adopt any mode available in law.

42. This court is of the view that the coordinate bench of this Court did not completely restrict the Trial Court rather, it left open lawful methods of enforcement/implementation, while only restraining one particular extreme measure.

43. The learned counsel for the petitioners next argued that since the Review Petition against the order dated 03.11.2023 is pending before this Court, therefore, the Trial Court ought to have refrained from proceeding with the matter or enforcing the order dated 14.06.2022.

44. This Court is of the view that the mere filing or pendency of a review petition does not, by itself, operate as a stay of the order under challenge. Unless the order is specifically stayed by a competent Court, the same continues to remain valid, binding and enforceable between the parties

45. In the present case, admittedly, no order of stay has been passed in the pending Review Petition. The order dated 14.06.2022, therefore, continues to remain operative and binding upon the parties.

46. Furthermore, a bare perusal of the record reveals that the respondent has filed CM No. 3457/2025 before this Court seeking appropriate directions for expeditious disposal of the suit pending before the learned Trial Court. While disposing of the said application, this Court, after noticing

that no order staying the proceedings before the Trial Court had been passed in the pending review petition, expressly observed that the learned Trial Court shall be at liberty to proceed with the matter in accordance with law. Thus, this Court had already granted liberty to the learned Trial Court to continue with and adjudicate the suit notwithstanding the pendency of the review proceedings.

47. Viewed thus, this Court finds no merit in the contention that pendency of the Review Petition affected the enforceability of the order dated 14.06.2022.

48. It is next contended by the petitioners that enforcement of the order dated 14.06.2022 would, in effect, amount to granting final relief in the suit.

49. The order dated 14.06.2022 was passed at an interlocutory stage and was expressly made conditional in nature. The benefit granted thereunder was subject to the final adjudication of the suit and was further safeguarded by directing the respondent to furnish an undertaking to refund the amount in the event of failure in the suit. The very incorporation of such a safeguard clearly demonstrates that the relief granted was provisional, interim in character, and not final or irreversible in nature.

50. It is well settled that interim reliefs are granted to balance equities between the parties during the pendency of proceedings and to prevent irreparable prejudice. Merely because some monetary benefit flows under an interim order does not convert such relief into a final adjudication of rights, particularly when the order itself is expressly subject to restitution.

51. This court is of the view that the order dated 14.06.2022 was not a vague the learned Trial Court specifically directed the defendants to pay fifty percent of the salary payable to the respondent for a period, namely from April 2021 till 11.05.2022. Merely because the order was passed at an interlocutory stage does not render it incapable of implementation. An order directing payment of a specified amount cannot be permitted to remain a mere paper direction until conclusion of the suit. Such an approach would defeat the very object of granting interim relief.

52. This Court is of the considered opinion that judicial orders are intended to have practical effect and cannot be formalities. If a party against whom a subsisting monetary direction has been issued is permitted to withhold compliance and yet contend that the successful litigant must wait until final disposal of the suit, the efficacy of the Court's interim jurisdiction would stand seriously undermined.

53. The purpose of interim relief is to afford immediate protection pending final adjudication. Such protection would become wholly illusory if the Court were rendered powerless to secure compliance with its own directions.

54. This Court cannot ignore the manner in which the present proceedings have been pursued by the petitioners. Instead of complying with the judicial directions issued by the competent Courts, the petitioners have continued to resist implementation of the same through successive rounds of litigation. The present petition substantially seeks to reopen issues which already stand concluded by orders passed by the appellate Court as

well as by this Court. The conduct of the petitioners leaves little room for doubt that the present proceedings have been instituted primarily to avoid compliance with the subsisting judicial directions and to delay payment of the amount directed to be paid under the order dated 14.06.2022.

55. This Court is of the considered opinion that once a judicial order has been affirmed by the superior forums and continues to hold the field, the same is required to be obeyed and given effect to. Judicial orders are not intended to remain confined to the record and must receive due compliance from the parties against whom they operate. Any other view would seriously undermine the authority of Courts and the administration of justice.

56. Such repeated challenges to substantially concluded issues cannot be encouraged. Judicial orders cannot be permitted to be frustrated by filing one proceeding after another. The rule of law demands obedience to judicial orders unless they are stayed, modified or set aside by a competent Court.

57. At this stage, it also deserves to be noted that substantially similar contentions were raised by the petitioners while challenging the order dated 14.06.2022 before the Appellate Court and thereafter before this Court in CM(M) No.299/2023. The said challenges were repelled and the orders passed by the Courts below were upheld. Having failed in the earlier round of litigation, the petitioners cannot be permitted to reagitate the same issues in the present proceedings under a different guise. The principles of finality of judicial decisions and constructive res judicata

operate against such an attempt. The petitioners are, therefore, estopped from reopening matters which already stand concluded between the parties and have attained finality at the interlocutory stage.

58. The present petition is nothing but another attempt to delay and obstruct compliance with a subsisting judicial order. Such repeated litigation on substantially identical grounds strikes at the very root of the principle of finality of judicial proceedings. If litigants are permitted to challenge the same order in successive rounds of proceedings merely by changing the form of the challenge, no judicial decision would ever attain finality and the administration of justice would be reduced to uncertainty.

59. The conduct of the petitioners demonstrates a deliberate attempt to avoid compliance with the order dated 14.06.2022 and to prolong payment of the amount directed to be released in favour of the respondent. Judicial process cannot be permitted to be used as a tool for delaying the fruits of an order which has already survived scrutiny before the appellate forum as well as this Court.

60. The Hon'ble Supreme in **Subrata Roy Sahara Vs Union of India** reported as (2014) 8 SCC 470, expressed serious concern over the growing tendency of litigants to misuse judicial proceedings by filing frivolous and meritless cases. The relevant part of judgement is reproduced as under:

“150. The Indian judicial system is grossly afflicted, with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession, towards senseless and ill-considered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer

on the other side, of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part.”

61. Furthermore, the Hon'ble Supreme Court in **Dalip Singh v. State of Uttar Pradesh and Others**, reported as (2010) 2 SCC 114, strongly deprecated the tendency of litigants to misuse the judicial process for securing undue advantage and to pollute the stream of justice. The Court observed as under:

“1. In last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

62. More recently, the Hon'ble Supreme Court in **PandurangVithalKevne v. Bharat Sanchar Nigam Limited [2024 INSC 1051]** reiterated its concern over the increasing misuse of the judicial process and emphasized that courts must adopt a firm approach against frivolous and vexatious litigation intended only to delay proceedings or defeat the course of justice. The relevant observations are reproduced hereunder:

“Considering that precious time of this Court and the High Court was wasted by the petitioner, in our opinion the petitioner deserves to be burdened with heavy cost, to give clear message to the unscrupulous litigants like the petitioner for not daring to play with the Judicial System. Such type of litigants are not only polluting the stream of justice but putting hurdles in its dispensation to others. The precious judicial time which the petitioner has wasted, could very well be used for taking up the cases of other litigants who are waiting for justice. In fact these types of litigants are choking the system of the court, which is resulting in delays in decision of other cases. It is also the duty of the Courts at different levels to curb

such type of litigation so that more time is available for dealing with genuine litigation.”

63. Tested on the touchstone of the principles laid down in the aforesaid judgments, the present petition is found to be wholly misconceived, devoid of merit and a clear abuse of the process of law. The petitioners, having failed before the competent forums and having unsuccessfully invoked the jurisdiction of this Court on earlier occasions, cannot be permitted to continue a course of litigation designed solely to delay compliance with the order dated 14.06.2022. Such conduct not only prejudices the respondent, who has been compelled to engage in avoidable and repetitive litigation, but also results in an unwarranted expenditure of valuable judicial time.

64. Accordingly, the petition is dismissed with costs quantified at Rs. 25,000/- (Rupees Twenty-Five Thousand only), to be deposited with the Registry within a period of two weeks from the date of this order. The imposition of costs, in the facts and circumstances of the case, is considered necessary to preserve the sanctity of judicial proceedings and to deter similar abuse of the process of law in future.

65. It is further directed that, in the event the aforesaid costs are not deposited within the stipulated period, the Registry shall place a note before this Court for passing appropriate orders to secure compliance with the present direction.

66. Accordingly, In view of the foregoing discussion, the impugned order dated 15.10.2025 passed by the learned 4th Additional Munsiff, Srinagar, in the case titled "Shakeel Ahmad Malik v. Principal, Woodland House

School, Shivpora, Sonwar, Srinagar & Ors.", bearing File No. 1977/2022, is upheld. Consequently, the present petition, being devoid of merit, is dismissed.

67. The petitioners are further directed to comply with the order dated 14.06.2022. In the event of failure to do so, it shall be open to the learned Executing Court to proceed in accordance with law and adopt all permissible measures for securing enforcement of the said order.

Postscript

68. Before parting with the matter, this Court deems it appropriate to advert to an aspect arising from the record which merits serious consideration.

69. Learned counsel for the petitioner submitted that the impugned order rests substantially upon certain judicial precedents without furnishing complete and accurate citations thereof, without identifying the legal principles or ratio decidendi emerging from the said decisions, and without examining their applicability to the facts and circumstances of the present case.

70. Having regard to the aforesaid submission, this Court undertook an independent verification of the judgments referred to and relied upon in the impugned order. Upon such examination, it transpires that the citations attributed to the two principal judgments forming the basis of the impugned order are incorrect. In respect of one of the judgments, not only is the citation erroneous, but the title of the decision, as recorded in the impugned order, could not be traced despite diligent search and

verification. The judgment, therefore, does not appear to exist in the form in which it has been referred to by the learned Trial Court. Insofar as the second judgment is concerned, while a decision bearing a similar title could be located, the citation assigned thereto in the impugned order does not correspond with the said decision and is patently incorrect.

71. Although this circumstance, by itself, does not persuade this Court to interfere with the impugned order on merits, the matter nevertheless raises a concern touching upon the quality and reliability of judicial reasoning. Reliance upon judicial precedents constitutes an integral component of the adjudicatory process and, therefore, the authorities cited in support of a conclusion must be accurate, authentic and capable of verification.

72. This Court has also noticed, in certain cases, a tendency to refer to the ratio of judgments by paraphrasing the perceived principle in the words of the author of the order rather than reproducing the relevant extracts from the judgments themselves. Such a practice is best avoided. The ratio decidendi of a judgment is to be gathered from what has actually been held by the Court and not from an individual understanding thereof. Reproduction of the relevant extracts ensures fidelity to the precedent relied upon and minimizes the possibility of unintended distortion of the legal principle laid down.

73. This Court is also conscious of the increasing use of artificial intelligence-based tools and digital research platforms in legal and judicial work. While such tools may serve as useful aids for research,

they cannot substitute judicial scrutiny and verification. Any proposition of law, citation, extract, or precedent generated or suggested by an artificial intelligence tool must be independently verified from authentic and authoritative sources before being relied upon in a judicial order. Judicial officers must remain mindful that the ultimate responsibility for the correctness, accuracy and authenticity of the contents of a judicial order rests solely upon the authoring Judge. The use of technological tools, therefore, must be accompanied by appropriate caution and rigorous verification so as to ensure that judicial determinations are founded only upon genuine and verifiable legal authorities.

74. In the aforesaid circumstances, this Court considers it appropriate to caution the judicial officers to exercise greater care and circumspection while citing judicial precedents in future. The judicial officer shall ensure that the judgments relied upon are correctly cited, capable of verification and faithfully reflect the proposition of law sought to be applied. It is expected that due diligence shall be exercised in this regard so as to avoid recurrence of such lapses.

75. This Court further considers it necessary to emphasize, for the guidance of all Judicial Officers in the Union Territory, that:

- (i) *Any citation, precedent, extract, factual assertion or proposition of law obtained through artificial intelligence platforms or similar technological tools must be independently verified from authentic and authoritative sources before being relied upon or incorporated in any judicial order.*

- (ii) *Every precedent relied upon in a judicial order shall be accompanied by a complete and accurate citation;*
- (iii) *Wherever a precedent constitutes the foundation of a finding or conclusion, the relevant extract of the judgment should, as far as practicable, be reproduced verbatim rather than paraphrased;*
- (iv) *Citations obtained from unofficial compilations, secondary sources or electronic databases should be cross-verified with authentic sources before being incorporated into judicial orders;*

76. Let a copy of this order be forwarded to the Registrar Judicial of both the wings of this Court for circulation amongst all Judicial Officers in the Union Territory for information and compliance.

(Wasim Sadiq Nargal)
Judge

Srinagar:
06.06.2026
“Mubashir”

- i. Whether the Judgment is Reportable: Yes
- ii. Whether the Judgment is Speaking: Yes