Serial No.08
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM(M) 637/2024 CrlM (1478/2024) c/w
CRM(M) 475/2024 CrlM (1291/2024)

NISHAT ARA AND ORS …Appellant/Petitioner(s)

Through: Ms. Ayshia Shakeel Zahgeer, Advocate.

Vs.

ABDUL GANI BHAT. ...Respondent(s)

Through: Present in person.

CORAM:
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE.

ORDER
28.10.2026

CRM(M) 637/2024:

1. The record of the Court below has been received and tagged with the file. Learned counsel for the petitioner seeks time to inspect the record and prepare arguments.
2. In view of the submission made by learned counsel, the matter is adjourned and shall be listed on **02.12.2026** for final arguments.

CRM(M) No. 475/2024:

1. Heard learned counsel for the parties and perused the record of the Court below.
2. The principal grievance projected by the petitioner is that, when the matter was taken up before the learned trial Court on 11.07.2024, he had submitted his written final arguments, but the trial Court, without taking the same into consideration, subsequently took up the matter on 01.08.2024 and declined to

take the written arguments on record. It is, thus, contended that the petitioner was denied a fair and adequate opportunity of hearing.

3. Having considered the submissions made by the petitioner-in-person and examined the record of the trial Court, this Court finds no substance in the contention raised by the petitioner. A perusal of the interim orders passed by the ld. 4th Additional Sessions Judge, Srinagar "the trial court", reveals that on 10.07.2024, the parties, including the present petitioner, who was appearing as attorney on behalf of the respondent before the Court below, namely, Dr. Mehmood-ul-Himayun, sought time to file written arguments. The matter was accordingly adjourned to 24.07.2024, when the case was again taken up for hearing. Thereafter, on 01.08.2024, further arguments were heard and concluded.

4. The aforesaid sequence of proceedings, as borne out from the record, clearly demonstrates that adequate and sufficient opportunity was afforded to the parties to advance their submissions. The contention of the petitioner that he was denied an opportunity of hearing or that his written submissions were arbitrarily ignored is, therefore, not borne out from the record and is accordingly found to be misconceived.

5. The record further reveals that, vide order dated 17.09.2025, the trial Court directed the petitioner to ensure the personal appearance of the principal respondent, Dr. Mehmood-ul-Himayun, against whom maintenance arrears exceeding ₹7,00,000/- had accumulated. However, despite the aforesaid direction, the principal respondent did not appear in person and continued to be represented through his attorney. Consequently, vide order dated 27.09.2025, the trial Court issued a warrant for recovery of an

amount of ₹13,42,000/- on account of outstanding maintenance arrears.

6. In the face of the aforesaid factual position, it is difficult to accept the plea that the petitioner was either deprived of an opportunity of hearing or denied access to appropriate legal remedies. On the contrary, the proceedings recorded by the trial Court unmistakably establish that sufficient opportunities were afforded to the petitioner to put forth his case.

7. It is pertinent to observe that the proceedings before the trial Court pertain to enforcement of maintenance obligations, in respect whereof substantial arrears, running into several lakhs of rupees, have accumulated against the principal respondent. The record further indicates that the present petitioner, acting as attorney for the principal respondent, has repeatedly invoked the jurisdiction of this Court by instituting proceedings which, having regard to their nature and the attending circumstances, appear to be aimed at obstructing and delaying the enforcement of the maintenance orders.

8. The process of law cannot be permitted to be employed as an instrument for frustrating the enforcement of lawful judicial orders, particularly those relating to maintenance, which are intended to secure financial support to persons legally entitled thereto. A litigant who has been afforded adequate opportunity to present his case cannot, merely by reiterating grievances unsupported by the judicial record, seek to prolong the proceedings indefinitely.

9. In the considered opinion of this Court, the grievance projected by the petitioner is wholly devoid of merit. No procedural irregularity or denial of opportunity warranting interference by this Court is

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made out. Rather, the material on record indicates an attempt to prolong the proceedings and impede the recovery of outstanding maintenance arrears. For the foregoing reasons, this Court finds no merit in the instant petition, which is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
28.10.2026
"Shaista-PS"

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