Supplementary List I
Serial No. 60

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CM(M) No. 252/2026
CM No. 7932/2026

Romesh Singh & Anr.

.....Petitioners

Through :- Mr. Aseem Kumar Sawhney, Sr. Advocate with
Mr. Dheeraj Singh, Advocate,
Ms. Tehseena Bukhari, Advocate &
Mr. Mohd. Shabab Malik, Advocate.

v/s

Oma Chauhan & Anr. .....Respondents

Through :-

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

ORDER
06.11.2026

1. Mr. Aseem Kumar Sawhney, learned Sr. Advocate has vehemently argued that a decree was passed by learned trial Court in favour of the petitioners on 30.08.2018. Thereafter, the petitioners preferred an execution application on 17.01.2019, in which notice was issued. Subsequently, the respondents preferred an application seeking setting aside of the decree dated 30.08.2018 passed in favour of the petitioners in the case titled '*Krishna Devi & Ors. Vs Oma Chouhan & Ors.*'.

2. It is further submitted that without affording the petitioners an opportunity of being heard, the Executing Court, vide order dated 17.05.2019 stayed the execution of the aforesaid decree.

3. The petitioners further submit that they have filed detailed objections challenging the maintainability of the application seeking stay of execution of the decree, *inter alia*, on the ground that the said application was filed beyond the period of limitation. However, the said objections have not been decided till date, and the interim order passed by the learned Executing Court staying the execution of *ex parte* decree continues to remain in operation. It is contended that the continued operation of said interim order has caused serious prejudice to the petitioners.

4. Aggrieved by the inaction on the part of the competent Court in deciding the said objections, the petitioners have preferred the instant petition under Article 227 of the Constitution of India, seeking a direction to the learned Trial Court to decide the same expeditiously.

5. Heard learned counsel for the petitioners and perused the record.

6. It is very strange that the objections, which as per petitioners, were filed way back on 05.05.2020, till date, have not been decided by the Court of learned Additional Special Mobile Magistrate, Samba, even after a lapse of six years, which prompted the petitioners to approach this Court by way of the instant petition.

7. It shocks the conscience of this Court that the learned Executing Court has failed to decide the objections raised by the petitioners to the application seeking setting aside of the decree, particularly when a specific preliminary objection regarding limitation

has also been raised therein, and the matter has remained pending for the last six years.

8. Accordingly, in light of submissions made by learned counsel for the petitioners and in light of contemporaneous official record, this Court before proceeding further in the matter, deems it appropriate to direct the Registry to obtain a report from the learned Additional Special Mobile Magistrate, Samba, in the case titled *'Krishna Devi & Ors. Vs. Oma Chouhan & Ors.'*, within a period of one week positively, explaining the reasons for the inordinate delay in deciding the objections filed by the petitioners.

9. Heard in part.

10. List in continuation on **18.11.2026**.

HIGH COURT
सत्यमेव जयते
OF JAMMU & KASHMIR AND LADAKH

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
06.11.2026
Sneha