

Sr. No.1
Suppl. List.

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

CM No.1304/2024 IN
WP(C) No.488/2024

KADFEEN CHOWDHARY AND ORS. ...Appellant(s)/Petitioner(s)

Through: Mr. Sikander Hayat Khan, Advocate

Vs.

THE JAMMU AND KASHMIR BANK ...Respondent(s)
LIMITED AND ORS.

Through: Mr. Abu Bakr Pandit, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE

O R D E R

29-03-2024

WP(C) No.488/2024

CM No.1304/2024

01. Heard Mr. Sikander Hayat Khan, learned counsel for the petitioners as
also Mr. Abu Bakr Pandit, learned counsel for the respondent-Bank.

02. When this matter was taken up, it has been submitted by the learned
counsel for the petitioners that he may be granted liberty to withdraw
the instant writ petition and approach the DRT Chandigarh for
redressal of his grievances. However, he also submits that in the order
passed by the learned CJM on 20.11.2023 in File No.50384/2023, it
has been directed by the learned Chief Judicial Magistrate, Srinagar,
that the Tehsildar concerned shall, before taking into possession of
above described property in the order, inform the Authorized Officer
of the applicant in advance about the date and time on which the
property is to be taken into possession so that the Authorized Officer
of the applicant Bank can remain present there on the said date after

giving fifteen days prior notice to the non-applicant, to enable the borrower to remove the necessary belongings and take other family members to a safer place.

03. Since we are relegating the matter to the DRT Chandigarh, we are of the view that it will be more appropriate for the DRT Chandigarh to consider this request which we also found to be reasonable.

04. We also make it clear that we grant this liberty to approach DRT Chandigarh within a period of three weeks from today and with the observation that during these three weeks period time granted by this Court, no coercive action shall be taken by the Bank and any such action that may be taken will be subject to the orders passed by the DRT or the competent authority in this regard.

05. With the above observations, the present petition stands disposed of.

(MOHAMMAD YOUSUF WANI)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

SRINAGAR

29-03-2024

Shameem H.