



In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)

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File No
03/Appeal 2022-23

Date of Institution
05.04.2022

Date of Decision
07.04.2022

1. Renu Sachdev D/o Sh. Shori Lal Kohli R/o H No 765 New Plot Tehsil and District Jammu.
2. Rajni Puri D/o Sh. Shori Lal H. No. 137/4 Vikas Nagar Sarwal, Tehsil and District Jammu

....Appellants

Versus

1. Additional Deputy Commissioner, Jammu.
2. Sandeep Kohli S/o Dr. Kailash Kohli R/o H.No. 42-B Extension Karan Nagar Jammu.
3. Mohit Kohli S/o Dr. Kailash Kohli R/o H.No. 42-B Extension Karan Nagar Jammu.
4. Reetika D/o S/o Dr. Kailash Kohli R/o H.No. 42-B Extension Karan Nagar Jammu.

..... Respondents

In the matter of:

Appeal against the ex-parte impugned order dated 01.04.2022 passed by the Respondent No. 1 by virtue of which the Respondent No. 1 during the pendency of appeal has vacated the interim directions dated 02.02.2022.

g/c website.

[Signature]

Reader to
Additional Commissioner
Jammu

ORDER

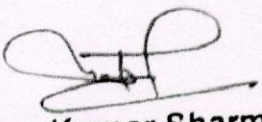
This case came up for hearing today on 07.04.2022. Ld. Counsels appeared on behalf of appellants and respondents. Ld. Counsel for the appellant reiterated the memorandum of appeal and submitted that the interim order passed by Additional Deputy Commissioner, Jammu is an ex-parte order since no opportunity of being heard was given to the appellants herein while passing the order dated 01.04.2022 wherein he has vacated the stay order dated 02.02.2022 in an appeal titled Renu Sachdev and others Vs Sandeep Kohli and others against the mutation of inheritance being mutation No. 505 attested by Tehsildar Jammu on 22.07.2003 situated at Village Pargalta Tehsil Jammu District Jammu with respect to 1/4th share of Shori Lal in land comprising of Khewat No. 27 Khata Nos. 60-68 measuring (121-08) and (271-12) and Khewat No. 57, Khata Nos. 147-152 measuring (30-17) and (1784-15). The interim order may be set aside being an ex-parte order. Ld. Counsel appearing for the respondents submitted that since the order dated 01.04.2022 of Additional Deputy Commissioner, Jammu is not a final order and as such appeal is not maintainable. While arguing the matter, Ld. Counsel for the appellant submitted that he will be satisfied if the present appeal is disposed of with the direction to

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Additional Deputy Commissioner Jammu to decide the case on merits and till then status quo be maintained on spot. Ld. Counsel for the respondents submitted that he has no objection if the case is disposed of with the direction to Additional Deputy Commissioner Jammu to decide the same on merits.

In view of the submissions made by both the Ld. Counsels, the present appeal is disposed of with the direction to the Additional Deputy Commissioner Jammu to decide the appeal pending before him against mutation No 505 dated 22.07.2003 of Village Pargalta for the land cited above on merits. Both the parties are directed to appear before the court below on due date and till then i.e. till 22.04.2022 status quo on spot with regard to the land which is subject matter of the appeal in the court below shall be maintained and thereafter the court below shall pass appropriate order after appreciating the merits of the case strictly as per law governing the subject.

Announced
07.04.2022


Pawan Kumar Sharma, JKAS
Additional Commissioner, Jammu
[with the powers of Divisional Commissioner