

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2363 OF 2025  
[Arising out of SLP(C) No.4986/2020]

IMTIYAZ AHMAD KHAN & ORS.

APPELLANTS

VERSUS

GHULAM MOHAMMAD MALIK & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. The High Court of Jammu and Kashmir at Srinagar vide impugned order dated 13.11.2019 has dismissed an application moved by the appellant - Bank Officers seeking recall of an order dated 04.10.2019 of the High Court, whereby Chairman of the Jammu & Kashmir Bank Limited was directed to comply with an interim order dated 29.12.2017. The said interim order was passed by the High Court in OWP No.2196/2017 directing the appellant-Bank to grant similar benefits as were granted in another case i.e., OWP No.1095/2017.

3. It may be mentioned that the controversy pertains to the benefits of a Loan Waiver Scheme under the Kissan Credit Card (in short, the "KCC"). Some of the farmers, who were excluded from the benefit of the scheme had filed OWP No.1095/2017 in which the High Court passed an interim order dated 28.07.2017 for deferring the recovery of the KCC loan amount. The same interim order was sought to be granted by the respondents in their writ petition i.e., OWP No.2196/2017. The High Court granted that

interim benefit to the respondents through the order dated 29.12.2017. However, the said interim order was subsequently vacated on 29.03.2018. The interim order was again restored temporarily by a Division Bench on 07.06.2018, but after the fresh arguments, a learned Single Bench vide order dated 16.07.2018 vacated the interim order dated 29.12.2017, namely, which is the subject-matter of contempt proceedings.

4. Despite the fact that the interim order dated 29.12.2017 already stood vacated by the High Court, the respondents chose to file a contempt petition alleging willful disobedience of the said order. It is in those contempt proceedings that a learned Single Judge passed an order on 04.10.2019 directing the new Chairman of the Bank to comply with the interim order dated 29.12.2017, notwithstanding the fact that the said interim order was no longer in existence. The appellants, therefore, moved an application before the High Court seeking recall of the order dated 04.10.2019, but that application has been dismissed vide impugned order dated 13.11.2019 observing that the same is misconceived and misdirected. The aggrieved appellants have approached this Court and vide an order dated 06.03.2020, this Court stayed the operation of the above-mentioned impugned order of the High Court.

5. No one enters appearance on behalf of the respondents.

6. As the facts would speak for themselves, the High Court is continuing with the contempt proceedings under a complete misconception of law and facts. When the order dated 29.12.2017 has already been vacated, there arises no question of initiating contempt proceedings alleging non-compliance thereof.

7. For the reasons aforesaid, the appeal is allowed. The impugned order dated 13.11.2019 of the High Court is set aside and the contempt proceedings, namely, CPOWP No.46/2018, filed by the respondents, are dismissed as being not maintainable.

.....J.  
(SURYA KANT)

.....J.  
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;  
February 12, 2025

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).4986/2020

[Arising out of impugned final judgment and order dated 13-11-2019 in CM No.6284/2019 passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar]

IMTIYAZ AHMAD KHAN & ORS.

Petitioner(s)

VERSUS

GHULAM MOHAMMAD MALIK & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 12-02-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Ms. Purnima Bhat, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)

ASSISTANT REGISTRAR

(signed order is placed on the file)