

ITEM NO.4 Court 8 (Video Conferencing)

SECTION XVI-A

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

Transfer Petition(s)(Civil) No(s). 988-989/2020

MANMOHAN SAHNEY

Petitioner(s)

VERSUS

MUSHTAQ AHMAD MALIK ETC.

Respondent(s)

(FOR ADMISSION and IA No.89645/2020-STAY APPLICATION and IA No.89646/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 18-09-2020 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Shakil Ahmed Syed, AOR
Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Daanish Ahmed Syed, Adv.

For Respondent(s)

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

The petitioner has filed two Civil Suits, being Civil Suit No. 5013568/2019 and Civil Suit No. 5013733/2019 against Mushtaq Ahmad Malik and his wife Neelofar Mushtaq (Transferee) and both suits are pending before the Learned court of the Additional Munsif at Srinagar.

The petitioner's father Late Bhagat Jawahar Lal was forced to migrate out of Jammu & Kashmir and was registered as a migrant in Delhi on 09.08.1990 (Annexure P1), whereafter the family moved to Jaipur. At that stage, for the valuable commercial property at Srinagar, the petitioner's father executed an unregistered Power of Attorney, dated 18.09.2004, in favour of Mushtaq Ahmad Malik (Respondent No.1), so that the Attorney holder can look after the

property in Srinagar. However, the Respondent No. 1 has mis-utilised the Power of Attorney and has transferred the property in the name of his wife Neelofar Mushtaq (Respondent No.2). Therefore, the petitioner, whose father had expired on 05.11.2007, had to file the two suits to protect the family property at Srinagar.

Mr. Shakil Ahmed Syed, learned counsel, then refers to the Complaint dated 08.05.2019 (Annexure P10) before the Chief Judicial Magistrate at Srinagar, on the threat given by the Respondent No. 1 on 27.04.2019 at Srinagar and Mr. Ahmed projects that it is difficult for the plaintiff to pursue the suits, on the face of such threat given by the defendant.

With the above, the petitioner seeks transfer of the two suits from the court at Srinagar to a competent court in Jaipur, Rajasthan.

In view of above, let notice be issued, returnable in four weeks.

The petitioner should serve notice to the respondent (s), by all permissible modes.

(JAYANT KUMAR ARORA)
COURT MASTER

(BEENA JOLLY)
COURT MASTER