

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No.14/2026
CM No. 62/2026

Dhruv Mahajan

.....Applicant(s)/Petitioner(s)

Through :- Mr. Faizul Arif, Advocate

v/s

Union of India & Ors.

.....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG with
Ms. Priyanka Bhat, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
12.01.2026

1. The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction to declare the J&K Reorganization (Adaptation of Central Laws) Order, 2020, insofar as it amends Order V Rule 1 and Order VIII Rules 1 and 10 of the Code of Civil Procedure, 1908, along with the corresponding amendments made to the Code of Civil Procedure, 1908 as applicable to the Union Territory of Jammu and Kashmir, as ultra vires. The challenge is premised on the assertion that, in terms of Section 96 of the Jammu and Kashmir Reorganization Act, 2019, no substantive power has been conferred upon the Government of India to amend Order V Rule 1 and Order VIII Rules 1 and 10 of the Code of Civil Procedure, 1908 beyond the scope of the said provision.
2. It is submitted that similar petitions are pending before this Court and that even a Larger Bench is seized of such matters. Having considered the submissions made by learned counsel for the petitioner, I find prima facie merit in the same. Accordingly, the petition is admitted.

3. Post-admission notice shall issue to the respondents. Ms. Priyanka Bhat, Advocate, accepts notice on behalf of respondent No. 2. Counter affidavit, if any, shall be filed on or before the next date of hearing. Notice shall also issue to respondents Nos. 1 and 3, returnable within three weeks. Requisite steps for service shall be taken within a period of one week.
4. List the matter along with WP(C) No. 2901/20203 on 12.03.2026. In the meantime, subject to objections from the other side and till the next date of hearing before the Bench, the proceedings pending before the Court of the learned 3rd Civil Subordinate Judge (Special Excise Mobile Magistrate), Jammu, in the case titled *Subash Chander v. Dhruv Mahajan and Another* shall remain stayed.

JAMMU
12.01.2026
Javid Iqbal

