02
Regular

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

CM(M) 438/2026 CM(6585/2026) CM(6794/2026)
Caveat 2307/2026

ZAHID MUSHTAQ DAR, DIRECTOR ALFALAH AGRI TECH PVT LTD
….. Petitioner(s)

Through: Mr. Shabir Ahmad Dar, Advocate.

V/s

SHAHNAWAZ AHMAD KHAN AND ANOTHER …Respondent(s)

Through: Mr. P. S Ahmad, Advocate.

Coram:
Hon'ble Mr. Justice Rajnesh Oswal, Judge

ORDER
06.10.2026

1. Learned counsel for the petitioner submits that the decree could not have been executed by the petitioner as in the compromise entered into between the parties, it was not provided that an aggrieved party can file an application for execution of the decree.
2. Learned counsel for the respondents submits that the respondent No. 1 only would press for execution of the decree passed by the court of learned Principal District Judge, Pulwama pursuant to compromise entered into between the parties and shall not press the execution of the decree on behalf of respondent No. 2, as in the compromise entered into between the parties, the petitioner can still discharge his decretal obligations till March-April, 2027

3. Heard learned counsel for the parties and perused the record.
4. The contention of the petitioner that the parties could not have filed the execution of the compromise decree in light of Clause 8 of the Agreement which provides that an aggrieved party can approach the Hon'ble Court for execution of the compromise and cannot file application for execution, is misconceived.
5. Clauses 1 to 3 of the compromise entered into between the petitioner and the respondent No. 1 are self-explanatory and whereas, as rightly submitted by Mr. P. S Ahmad, Advocate, the respondent No. 2 cannot seek execution of the decree till March-April, 2027 because the petitioner in terms of the compromise entered into between the parties can still discharge his decretal obligations by that time.
6. In view of the above, the present petition is disposed of with a direction to the learned Executing court to proceed ahead in the execution so far as respondent No. 1 is concerned. However, the executing court shall not proceed against the petitioner regarding decretal claim of respondent No. 2 till the expiry of the period stipulated in the compromise i.e, March-April, 2027.

(Rajnesh Oswal)
Judge

SRINAGAR
06.10.2026
Aasif