

S.No.154
Supp. Case List

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

TrP (C) 4/2026

ASSADULLAH BHAT AND ...Petitioner(s)/Appellant(s).
OTHERS(SENIOR CITIZEN)

Through: Mr. M. Sultan, Advocate

Vs.

GUL DAR AND OTHERS ...Respondent(s).

Through:

CORAM:HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
29.04.2026

1. While the matter was being heard, it has come to the notice of this Court that the petitioners have levelled scandalous and wholly unsubstantiated allegations against the Presiding Officer of the Court of Sub-Judge, Pattan as well as the Principal District Judge, Baramulla, without any proof whatsoever, in paragraph 4 of the petition. For facility of reference, the said paragraph is reproduced as under:

“That the petitioner further entertain suspicious circumstances that the Presiding officer of the court of Sub Judge Pattan is directly under the influence of Principal District Judge Baramulla, who is hand in glove with one of the defendants and in these circumstances, the plaintiff feels that there may be casualty of justice at the hands of Sub Judge Pattan, who is under direct influence of the Principal District Judge Baramula. Therefore, petitioners feel that the case be transferred from the court of Sub-Judge Pattan to some other court of competent jurisdiction as the Hon'ble court deems fit in the circumstances of the case, so that the apprehension entertained by the petitioner coupled with the conduct of the Presiding Officer, who exhibited bias and prejudice against the petitioner that he may suffer injustice in the hands of the said Presiding Officer is taken care of. Therefore, to vindicate the grievance of the petitioner and to restore the confidence of the petitioner the case be transferred to some other court of competent jurisdiction.

2. When the learned counsel for petitioners, Mr. M. Sultan, who is the author of the present transfer petition containing the scandalous allegations levelled

against the judicial officers, was confronted with the averments contained in the transfer petition, he was unable to substantiate the same even at the threshold. In view thereof, the learned counsel sought leave to withdraw the present petition unconditionally.

3. This Court, however, is not inclined to grant such leave. Having regard to the gravity and seriousness of the allegations made against judicial officers, this Court cannot permit the petitioners or the counsel representing them to circumvent judicial scrutiny and the consequences that may ensue therefrom by resorting to withdrawal of the petition. Permitting such a course would amount to allowing them to escape the consequences of making reckless, scandalous, and unsubstantiated allegations, which is wholly impermissible in law.
4. This Court is constrained to observe that the tendency of litigants to level unwarranted, baseless, and scandalous allegations against judicial officers deserves to be curbed with a firm hand. Such allegations, by their very nature, are not directed against an individual Judge in his or her personal capacity, but constitute an affront to the dignity, independence, and institutional integrity of the judiciary. The sanctity of judicial proceedings cannot be permitted to be sullied by reckless pleadings which, under the guise of advocacy, seek to malign the judicial process.
5. The Hon'ble Apex Court and various High Courts have on numerous occasions, unequivocally deprecated the practice of imputing scandalous, reckless, and unfounded allegations against judicial officers. The Hon'ble Supreme Court has consistently cautioned that such conduct strikes at the very root of the administration of justice and has not hesitated to take a stern view against both the litigants who make such allegations and the counsel who lend their name to pleadings containing such averments.

6. It would be beneficial to advert to certain cases of the Hon'ble Supreme Court wherein this pernicious practice has been expressly disapproved and deprecated.

7. The Hon'ble Supreme Court in case titled ***MB. Sanghi vs High Court of Punjab & Haryana reported as (1991) 3SCC 600*** has held as under:

“The foundation of [judicial] system which is based on the independence and impartiality of those who man it will be shaken if disparaging and derogatory remarks are made against the presiding Judicial officers with impunity. It is high time that we realise that the much cherished judicial independence has to be protected not only from the executive or the legislature but also from those who are an integral part of the system. An independent judiciary is of vital importance to any free society.”

8. In a case titled ***Asharam M. Jain v AT Gupta [Asharam M. Jain v A.T Gupta, reported as(1983) 4 SCC 125*** Hon'ble Apex Court has held as under:

“The strains and mortification of litigation cannot be allowed to lead litigants to tarnish, terrorise and destroy the system of administration of justice by vilification of Judges. It is not that Judges need be protected, Judges may well take care of v themselves. It is the right and interest of the public in the due administration of justice that has to be protected.”

9. Furthermore, Hon'ble Supreme Court in a recent case titled ***N. Peddi Raju and Others, in Reas reported as 2025 SCC OnLine SC 2457*** held as under:

“The lawyers before subscribing their autographs to a pleading making scurrilous and scandalous allegations against a Judge ought to think about the serious repercussions of the same.”

10. This Court is of the considered view that any indulgence shown in such matters would embolden litigants to adopt similar tactics, thereby eroding public confidence in the justice delivery system. It is, therefore, imperative that such conduct be dealt with strictly and in accordance with law, so as to preserve the majesty of law and the credibility of the institution.

11. While this Court is constitutionally vested with supervisory jurisdiction over the district judiciary, it bears a corresponding obligation to protect its judicial

officers from scandalous, reckless, and wholly unsubstantiated allegations. The exercise of such supervisory control cannot be reduced to a conduit for ventilating grievances founded on conjecture or motivated insinuation. Any indulgence of baseless imputations would not only strike at the very root of judicial independence but also corrode institutional integrity and erode public confidence in the administration of justice.

12. Judicial officers cannot be expected to discharge their duties with the requisite independence, impartiality, and fearlessness if they are compelled to function under the constant spectre of unfounded aspersions upon their character and conduct. To permit such allegations to gain publicity, in the absence of cogent and credible material, would have a chilling effect on the judicial process and imperil the dignity of the institution itself.

13. Accordingly, this Court issues a clear and unequivocal caution to all litigants and members of the Bar to desist from making such unfounded and scandalous allegations against judicial officers. Any repetition of such conduct without any basis or material shall invite appropriate action in accordance with law.

14. Since the petitioners have levelled scandalous allegations in the instant matter without any basis and without any corroboration, this Court deems it proper, at the first instance, to direct the petitioners to file an unconditional apology, also showing genuine remorse for such allegations, with a clear undertaking that they shall remain cautious in future and shall refrain from making any such unfounded allegations.

15. Let affidavits tendering unconditional apology be filed separately by all the petitioners before this Court within a period of one week from today.

16. However, having regard to the standing and experience of the learned counsel, Mr. M. Sultan, at the Bar, this Court would have expected a greater

degree of circumspection and restraint while drafting pleadings of the present nature. The conduct exhibited is not commensurate with the standards expected of an advocate of such standing.

17. Be that as it may, this Court, in deference to his experience and position, refrains from passing any coercive or adverse orders against him at this stage. However, a stern and unequivocal caution is hereby issued that he shall, in future, ensure that pleadings are drafted with due care, responsibility, and verification, and that no averments are made without adequate material to substantiate the same. Any recurrence of such conduct shall invite appropriate action in accordance with law.

18. At the same time, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to keep the matter open for the limited purpose of the petitioners to file an unconditional and unqualified apology, evincing genuine contrition and remorse for the conduct in question.

19. List for continuation on 06.05.2026, in the Supplementary Cause List.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
29-04-2026
Mubashir