

S. No.
Suppl. List

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

CRM (M) No. 660/2025

Reserved on: 31.10.2025
Pronounced on: 08.12.2025
Uploaded on: 08.12.2025

**Whether the operative part or full
judgement is pronounced: Full**

Dr. Mohammad Himayun through ...Petitioner
Attorney Abdul Gani Bhat

Through: Attorney Holder-Abdul Gani Bhat.

Nishat Ara and others ...Respondents

Through: None.

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
08.12.2025

1. Before coming to deal with the case at hand, it would be advantageous to refer to the bona fides and objective of the Attorney Holder-Abdul Gani Bhat, who has emerged as a habitual litigator and appears to be spending most of his time in Courts by filing vexatious, frivolous, baseless and groundless petitions against Judges of the High Court, Judges of the Subordinate Courts, Officers of the Registry/Government Functionaries, thereby harassing the Judicial Officers and abusing the legal system by wasting the valuable time of the Courts when the judicial machinery is already burdened with an enormous workload while discharging its duty of doing justice between the parties. He has taken every Judge including Registry Officers, for a ride and in one of the recent cases filed by him, Coordinate Bench of this Court went to the extent

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of terming the petitioner as “*a cancer for the judicial system*” in view of his continuous nuisance and persistent harassment to Judges at all levels, and consequently imposed exemplary costs of Rupees one lakh upon the said Attorney Holder-Abdul Gani Bhat. This Court while dismissing the aforesaid petition observed that the allegations made by him exhibit a depraved mindset of the petitioner towards women, particularly his own daughter-in-law. The Court further observed that the petitioner has no sense of decency and is unaware of the manner as to how the pleadings before a Court of law are required to be drafted and further held that the petitioner appears to be in need of psychiatric help or treatment so that his unchecked indulgence in abusing the process of law may be curtailed/stopped.

2. It would be a grave public failure if the Attorney Holder-Abdul Gani Bhat is allowed to play with the fountain of justice by continuously resorting to filing false claims and petitions against Judges at all levels thereby abusing the process of the Court. Despite repeated reprimands, warning orders, and the imposition of costs, he has not desisted from filing false and frivolous petitions against Judges and has the audacity to make whatever allegations he pleases, which is a setback to entire judicial system. Additionally, the Attorney Holder has been creating scenes in Courts by repeatedly filing groundless petitions under the guise of seeking justice, thereby wasting the valuable time of the Courts.

3. In the instant petition filed under Section 528 BNSS, the Petitioner-Attorney Holder has invoked the inherent jurisdiction of this Court while seeking the following reliefs:

- i. *Complaint, may be framed against res-1 and the same transferred to Ld. CJM, Sgr. for trial, along with res-1, who may be sent in custody or put on bail.*
- ii. *The res-1 may be directed to submit her present residential address.*
- iii. *Proceedings about contempt of court, abuse of court and law, may be initiated against res-2, and he may be tried and punished.*
- iv. *The res-2 may be directed to account for the amounts received by him from the mother of the non-applicant, and why.*
- v. *Res-2 may be directed to explain as to why and how he had called the attorney to his court room, at about 4.15 p.m. and ridiculed him for seeking certified copies of documents of the 488-application, and directing him not to enter his court room.*
- vi. *Res-2 may be directed to explain as to under what law and authority he had imprisoned the non-applicant in his court room, and directed him to phone to his mother to fetch 5 lakhs, to so as to get his freedom.*
- vii. *Res-2 may be directed to explain as to under what law and authority he had directed his orderly to get the attorney to his court room, when the Attorney was outside his court, looking at the cause list, then humiliate him inside the court room.*
- viii. *The petitioner-informer may be awarded costs.*
- ix. *The Hon'ble court may pass any other writ, order or direction, as it may deem fit and proper under the facts and circumstances of the case.*

4. The case set up by the Attorney Holder in the instant petition is that a complaint be framed against his daughter-in-law who has been arrayed as respondent no.1 and that contempt proceedings be initiated against the Judges/Presiding Officers of the Trial Court who have dealt with the case filed by his daughter-in-law, respondent no.1 herein, against his son. The Attorney Holder has levelled serious, indecent, and wild allegations against his own daughter-in-law and the Subordinate Judges, arrayed as respondent nos.2 and 3 in the instant petition. The Attorney Holder being 82 years old has levelled objectionable and filthy remarks against his own daughter-in-law which cannot be divulged in the instant order. The said remarks are irrelevant and scandalous and are accordingly struck out and directed to be deleted from the

contents of the petition, and it is made clear that these statements shall not form part of the record, as this Court is not called upon to return any finding on them.

5. It needs to be noticed that before filing of the instant petition, the Attorney Holder had already filed a similar petition under Section 528 BNSS, being CRM(M) No. 427/2024, seeking the same reliefs by merely changing the nomenclature of the reliefs. In other words, he has filed the petition regarding the same cause of action and against the same respondents levelling the same allegations therein as well against the Presiding Officers of the Trial Court. Once he could not succeed in obtaining any relief in that petition, he chose not to pursue the same and the said petition came to be dismissed for want of prosecution on 08.04.2025.

6. The Attorney Holder thereafter filed another petition under Article 226 of the Constitution of India against the same respondents, levelling the same set of allegations against the Presiding Officers and his own daughter-in-law which also came to be dismissed by a Coordinate Bench of this Court by imposing exemplary costs of Rupees One Lakh upon the petitioner and directing the Attorney Holder to deposit the same in the Litigants' Welfare Fund.

7. The Attorney Holder did not stop there and filed yet another petition [CRM(M) No. 450/2025] under Section 528 BNSS, again seeking almost the same reliefs on the same set of allegations against the Presiding Officers of the Trial Court, which too was dismissed in terms of order dated 20.08.2025.

8. This Court has further taken serious note of the conduct of the Attorney Holder, who has spared no Judge and has developed a disturbing tendency to file petition after petition against all Judges, including outgoing Chief Justices as well as other Hon'ble Judges of this Court.

9. Attorney Holder, by misusing and abusing the legal processes, has been pursuing personal vendettas by filing fictitious petitions, repeatedly raising settled issues and on top of all consuming precious time of the Courts. The Attorney Holder has time and again made false statements on oath and filed numerous petitions on issues which stand settled, thereby striking at the very root of the administration of justice, which cannot be taken lightly or permitted to continue at the cost of other litigants, therefore, grossly misused the judicial process. Repeated, meritless, and vexatious filings constitute a direct assault on judicial efficiency, choke the dockets and deprive genuine litigants of timely justice. A litigant who persistently re-agitates settled issues, changes the nomenclature of reliefs or indulges in forum-shopping, wastes the precious institutional time that could otherwise be devoted to deserving cases. The conduct of the Attorney Holder in repeatedly reviving dead and settled issues is a textbook illustration of such abuse and has substantially contributed to the clogging of judicial resources. Furthermore, from perusal of the entire record, it reveals that the Attorney Holder has not challenged any order through the medium of the instant petition, however, have annexed certain applications with this petition which as per his own assertions were filed before the Presiding Officers of the Trial Courts.

10. Upon the matter coming up for consideration on 28.10.2025, this Court categorically put a query to the Attorney Holder to show his locus to maintain the present petition and was asked to show whether he could file the petition on behalf of the petitioner who had purportedly authorized him to do so. This Court also asked the Attorney Holder as to how the authorization makes him a qualified legal practitioner entitled to argue before a Court of law under and in terms of the provisions of the Advocates Act or for that matter such laws.

11. Upon filing his written submissions, he has not demonstrated anything which could satisfy this Court that he can argue the case as a legal practitioner on behalf of his son in a Court of law in terms of the provisions of the Advocates Act. Seemingly, it appears that the Attorney Holder is re-litigating the same issues which have already been tried and decided earlier against him, thereby, abusing the process of the Court. Repeated, frivolous and vexatious petitions filed by the Attorney Holder clearly tend to undermine the authority of this Court. Allegations levelled by the Attorney Holder against the Presiding Officers, in their judicial capacity, amount to an attack on the administration of justice and the authority of this Court. It needs to be emphasised that the judiciary, being the guardian of the rule of law, must be insulated from unwarranted attacks and baseless allegations. As has been reiterated by the Hon'ble Supreme Court, when litigants, driven by personal vendetta or frustration, choose to level reckless allegations against Presiding Officers in their judicial capacity, they not only undermine the dignity of the Court but strike at the very foundation of the justice delivery system. Such conduct amounts to an abuse of the judicial process and cannot be permitted to continue, for it erodes public confidence in the administration of justice and

creates an environment where judicial officers are harassed merely for discharging their duties. Undoubtedly, the Attorney Holder is filing frivolous, vexatious proceedings which are absolutely groundless which in common parlance cannot be said to be pleadings within the meaning of judicial interpretation. In this regard, it has been recently held by the Hon'ble Supreme Court that litigants who waste judicial time by re-litigating settled issues must be deterred by the imposition of exemplary costs, so that false and frivolous cases are thrown out at the threshold. The Hon'ble Supreme Court has also given a warning to other litigants and sent a clear message to the litigants who are filing frivolous litigations, tempting to misuse the judicial process, and held that the precious judicial time which the petitioner has wasted could very well be used for taking up the cases of other litigants who are waiting for justice.

12. While dealing with the instant case, I have come across a judgement of the Hon'ble Supreme Court delivered on 01.03.2017 in case titled as ***Dnyandeo Sabaji Naik and others v. Pradnya Prakash Kadekar [SLP(C) Nos. 25331-33/2015]*** and paragraph 14 of the judgement reads as under:

“14. Courts across the legal system - this Court not being an exception – are choked with litigation. Frivolous and groundless filings constitute a serious menace to the administration of justice. They consume time and clog the infrastructure. Productive resources which should be deployed in the handling of genuine causes are dissipated in attending to cases filed only to benefit from delay, by prolonging dead issues and pursuing worthless causes. No litigant can have a vested interest in delay. Unfortunately, as the present case exemplifies, the process of dispensing justice is misused by the unscrupulous to the detriment of the legitimate. The present case is an illustration of how a simple issue has occupied the time of the courts and of how successive applications have been filed to

prolong the inevitable. The person in whose favour the balance of justice lies has in the process been left in the lurch by repeated attempts to revive a stale issue. This tendency can be curbed only if courts across the system adopt an institutional approach which penalizes such behavior. Liberal access to justice does not mean access to chaos and indiscipline. A strong message must be conveyed that courts of justice will not be allowed to be disrupted by litigative strategies designed to profit from the delays of the law. Unless remedial action is taken by all courts here and now our society will breed a legal culture based on evasion instead of abidance. It is the duty of every court to firmly deal with such situations. The imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases. It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a situation cannot be allowed to come to pass. Hence it is not merely a matter of discretion but a duty and obligation cast upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay justice. We commend all courts to deal with frivolous filings in the same manner.”

The aforesaid judgement of the Hon’ble Supreme Court was followed by a latest judgement delivered in case titled as ***Pandurang Vithal Kevne v. Bharat Sanchar Nigam Limited [2024 INSC 1051]*** wherein the same principle has been observed.

13. In view of the aforesaid observations, it is manifest that the instant petition is a repetitive narrative of earlier petitions on the same subject matter having the same set of allegations as levelled in earlier petitions which cannot be said to be maintainable. The Hon’ble Supreme Court has made it abundantly clear that imposition of exemplary costs is not merely a matter of judicial discretion but a constitutional obligation to safeguard the integrity of

the legal system. Litigants who misuse legal proceedings to harass parties or judicial officers, or who attempt to revive stale matters, must be deterred with real and meaningful costs so that a clear message is sent that the judicial process cannot be trifled with. It is only through such deterrence that the Courts can conserve time for genuine litigants awaiting justice. Consequently, the instant petition is *dismissed* with exemplary costs of Rupees Two Lakhs, which shall be recovered from the Attorney Holder (Abdul Gani Bhat) within a period of four weeks. The imposition of exemplary costs is justified in order to deter repetition of frivolous petitions and to protect the administration of justice.

14. The Registrar Judicial of this Court shall take immediate necessary steps for recovering the aforesaid costs from the Attorney Holder and in the event of failure to pay the costs of Rupees Two lakhs within a period of four weeks from today, the Registrar Judicial shall take appropriate steps, by taking recourse to law, for recovery from land revenue.

15. Let a copy of this order be circulated to the concerned by the Registry.

16. The Registrar Judicial of this Court shall also place a copy of this order before the Hon'ble Chief Justice for His Lordship's kind information, in view of the repeated and incessant filings of the false and frivolous petitions by the Attorney Holder (Abdul Gani Bhat). The matter calls for the serious consideration of His Lordship, including the constitution of a Committee to examine the issue and to frame rules or guidelines for regulating and

