

**HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR**

(Through Virtual Mode)

MA No.120/2013 c/w  
MA No.139/2013  
MA No.140/2013

- i. Sajad Ahmad Malik
- ii. Oriental Insurance Company Ltd.
- iii. Divisional Manager, National Insurance Company Ltd.

..... Appellant(s)

Through: -

*Mr Javed Iqbal, Advocate with Mr H. Suhail Ishtiaq, Advocate in MA No.120/2013;  
Mr N. H. Khuroo, Advocate in MA No.139/2013; and  
Mr J. A. Kawoosa, Advocate in MA No.140/2013.*

*(Through Video Conference from High Court Wing, Srinagar)*

**V/s**

- i. Divisional Manager, National Insurance Company Ltd. & Anr.
- ii. Sajad Ahmed Malik & Anr.
- iii. Sajad Ahmad Malik & Anr.

..... Respondent(s)

Through: -

*M/s J. A. Kawoosa & N. H. Khuroo, Advocates in MA No.120/2013;  
M/s Javed Iqbal & Mr J. A. Kawoosa, Advocates in MA No.139/2013; and  
M/s Javed Iqbal & Mr N. H. Khuroo in MA No.140/2013*

*(Through Video Conference from High Court Wing, Srinagar)*

**CORAM:**

**Hon'ble Mr Justice Ali Mohammad Magrey, Judge** *(On Video Conference from Srinagar Wing)*

**Hon'ble Mr Justice Vinod Chatterji Koul, Judge** *(On Video Conference from Jammu Wing)*

**ORDER**

04.06.2020

01. These appeals have been listed in the 'Advance Cause List (Regular/ Hearing Cases)' issued by the learned Registrar (Judicial) of this wing of the High Court for the period 18<sup>th</sup> of May, 2020 till 18<sup>th</sup> of August, 2020 at Item No.512.

02. With the agreement of the learned counsel for the parties, these appeals were taken up for hearing today.

03. Mr J. A. Kawoosa, learned counsel, advanced his arguments in detail on behalf of the appellant-National Insurance Company in MA No.140/2013.

04. When MA No.139/2013 was taken up, Mr N. H. Khuroo, learned counsel for the appellant-Oriental Insurance Company, submitted that with the application of the Jammu and Kashmir Reorganization Act, 2019; leading to repealing of the erstwhile Jammu and Kashmir Consumer Protection Act, 1987 and coming into force of the Central Consumer Protection Act, 1986; this Court may have to first decide as to whether it has the jurisdiction to hear and decide an appeal filed in terms of the erstwhile Jammu and Kashmir Consumer Protection Act, 1987.

05. Mr J. A. Kawoosa and Mr Javed Iqbal, learned counsel, however, submit that in view of the Jammu and Kashmir Reorganization (Removal of Difficulties) Order, 2019, this Court has the requisite jurisdiction to hear and decide the pending appeals arising out of the decision(s) of the erstwhile Jammu and Kashmir State Consumer Commission.

06. Let the counsel for the parties, on the next date of hearing, assist us as regards the issue of maintainability of these appeals before this Court in view of the repealing of the erstwhile Jammu and Kashmir Consumer Protection Act, 1987 and coming into force of the Central Consumer

Protection Act, 1986 with the application of the J&K Reorganization Act, 2019.

07. List these appeals on Tuesday, the 9<sup>th</sup> of June, 2020; both, for maintainability as well as consideration on merits.

08. Registry to send copy of this order to the learned appearing counsel for the parties through *e-mail*.

(Vinod Chatterji Koul)  
Judge

(Ali Mohammad Magrey)  
Judge

**SRINAGAR**  
4<sup>th</sup> June, 2020  
"TAHIR"

