

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

CM No. 6392/2023 in LPA No. 215/2023

UT of JK and others ...Petitioner(s)/Appellant(s)

Through: Mr. Ab. Rashid Malik, Sr. AAG

Vs.

Amina Sidiquee ...Respondent(s)

Through: Mr. Aftab Ahmad, Advocate

CORAM:

HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE
HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE

ORDER
20.04.2024

1. The present LPA has been filed after a delay of 95 days. The application for condonation of delay is CM No. 6392/2023. The application is perfunctory. In paragraph 2, it is averred that after having received a copy of the impugned judgment/ order passed by the learned Single Judge in the writ petition, the question of filing of the appeal was examined by the appellant in the light of the records.
2. Firstly, the date on which the impugned order was received is not mentioned. Thereafter, it is also averred that the appellants were required to collect the “records from various subordinate offices”. Which of these subordinate offices from where the records had to be taken is not mentioned. Thereafter, it is also averred that the matter was taken up with the Department of Law Justice & Parliamentary Affairs and the matter were examined at “various levels” which led to delay. What these levels are and which are these offices through which the file passed is also not mentioned.

3. In paragraph 3, it is averred that the Department of Law considered the matter on merits, thereafter a decision was taken to challenge the order passed by the learned Single Judge. The matter was referred to a particular Additional Advocate General, who vide his communication dated 12.07.2023 requested the appellant No. 2 to provide the relevant documents to the learned counsel. The application itself reveals that once the sanction to file the LPA was given, the Additional Advocate General was asked to file the same but the records of the case were not supplied to him for which he had to address a letter to the department concerned for the supply of the records.
4. In paragraph 4, it is averred that the appeal involves very “important questions of law” which required “authoritative adjudication” of this Court. What those important questions of law which have to be adjudicated by this Court have not even been mentioned though it could have been briefly stated in a couple of lines.
5. The application is absolutely perfunctory. At this stage, learned counsel for the appellants prays for liberty to file an additional affidavit to give greater details relating to the delay caused. We have seen that in umpteen cases, such liberty is granted to the Union Territory to file a better affidavit giving better grounds for condonation of delay.
6. We are of the opinion that the error lay with us as we have unnecessarily molycoddled and given repeated liberties to the Union Territory to file such affidavits while such liberty is not warranted at all. The Union Territory seems to be confident that

this is the procedure or the course of action that this Court will adopt while dealing with such an application for condonation of delay and so the complacency and casualness has continued only on account of the excessively accommodative nature of this Court. We would like to see a change with regard to the approach of the UT and the Advocate General office when such matters are filed and more elaborate applications for condonation of delay should be filed at the very first instance. Such latitude being extended to the UT time and again puts the respondents to a disadvantage, who is a private litigant, who has already received an order from learned Single Judge in his favour.

7. Under the circumstances, we are not satisfied with the condonation of delay which holds us absolutely perfunctory and the same is dismissed. Consequently the appeal stands dismissed.

(MOHAMMAD YOUSUF WANI) (ATUL SREEDHARAN)
JUDGE JUDGE

SRINAGAR:

20.04.2024

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