

Sr. No. 3
Regular List

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

CM 7760/2024
In LPA 339/2024

State of J&K and Anr.

...Petitioner(s)/Appellant(s)

Through: Mr. Ilyas Laway, GA with
Mr. Mohd Younis Hafiz, Assisting Counsel

Vs.

Showkat Ali Mufti and Anr.

...Respondent(s)

Through:

CORAM:

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

ORDER
11.12.2024

1. The present appeal has been filed by the appellants after a delay of 346 days. On the face of it, the delay is inordinate. However, in order to see whether the delay has been adequately explained, this Court has examined CM No. 7760/2024, which is the application for condonation of delay.
2. In paragraph (a) of the application, the appellants disclose that the action commenced at the level of the government immediately after acquiring knowledge about the impugned judgment and order dated 13th October, 2023. However, no details are given with regard to the date on which the knowledge of the impugned judgment and order came to the notice of the appellants.
3. In Paragraph (b) of the application, the appellants stated that requisite steps were taken immediately after receiving a copy of the order. Once again the date of receipt of the copy of the order has not been mentioned and neither has any detail been given about the so called "requisite steps". Thereafter, it discloses that the copy of the judgment and order was forwarded to the Administrative Department. Once again, the date on which the copy of the judgment and order was forwarded to the Administrative Department is not mentioned. Thereafter, it is also mentioned that from the Administrative Department the matter was referred to the Department of Law, Justice and Parliamentary Affairs for opinion. Once again, the date of transmission of the order from the Administrative Department to the Department of Law, Justice

and Parliamentary Affairs is not mentioned.

4. In Paragraph (c) of the application, it is mentioned that the Department of Law, Justice and Parliamentary Affairs granted permission to file the Letters Patent Appeal (LPA), in favour of one Mr. Sajad Ashraf, who was a Government Advocate at that point of time. Once again, no detail with regard to the date on which the permission was granted is given.

5. However, as Mr. Sajad Ashraf, resigned, a fresh sanction was issued on 10.10.2024 in favour of Mr. Syed Musaib, who is a Deputy Advocate General, to file the appeal. In the entire condonation of delay application only one date has been mentioned and that is 10.10.2024, when the matter was reassigned to Mr. Syed Musaib, learned Dy. AG after Mr. Sajad Ashraf, had resigned from the Advocate General's Office.

6. The application in its entirety, which is only two pages, is grossly deficient with regard to the cause of delay of 346 days. It is perfunctory and non-specific.

7. Under the circumstances, the instant application is **dismissed** and consequently, the LPA No. 339/2024 also stands **dismissed**.

(MOHD YOUSUF WANI)
JUDGE

(ATUL SREEDHARAN)
JUDGE

SRINAGAR:
11.12.2024
"Mir Arif"