

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

**OWP No. 695/2004**

Kuldip Kumar

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

Through: Ms. Manpreet Kour, Advocate vice  
Ms. S. Kour, Sr. Advocate

**vs**

State of J&K & Ors.

..... Respondent(s)

Through: Ms. Sageera Jaffar, assisting counsel to  
Ms. Monika Kohli, Sr. AAG

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE**

**ORDER(ORAL)**

**30.08.2025**

**Sanjeev Kumar 'J'**

1. This petition, challenging order of J&K Special Tribunal, Jammu [“the Tribunal”] dated 18.05.2004, was filed by the petitioner herein against one Bhubnesh Chander in the year 2004 itself. The only respondent namely Bhubnesh Chander died during the pendency of this petition and, accordingly, an application was moved by the petitioner and the wife of deceased, namely, Smt. Shakuntala Gupta was substituted in place of respondent- Bhubnesh Chander vide order dated 02.12.2005. Notice was issued to Smt. Shakuntala Gupta, the wife of Late Bhubnesh Chander. Thereafter, it took a lot of time for the petitioner to take requisite steps for effecting service upon her.
2. Ultimately, a notice issued to Smt. Shakuntala Gupta, the substituted respondent, through registered post was received by the Registry of this Court in the month of July 2023 with the report from the postal authority that addressee had expired.

3. Despite petitioner's being aware about the death of the only contesting respondent, no steps were taken for substitution of legal heirs, if any, of the deceased respondent- Smt. Shakuntala Gupta. On 05.03.2024, having regard to the fact that despite several opportunities granted, the petitioner had not taken any requisite steps for bringing on record the legal representatives of deceased Smt. Shakuntala Gupta, this Court, on the request of the learned counsel appearing for the petitioner, granted a last and final opportunity of four weeks to move an appropriate motion for substitution of legal heirs of substituted respondent- Smt. Shakuntala Gupta and the matter was posted for 07.05.2024.
4. More than one year has passed and the last and final opportunity too has been exhausted, but the appropriate motion for bringing on record the LRs of respondent- Smt. Shakuntala Gupta has not been moved.
5. Needless to say that an application for substitution of legal heirs of the deceased party to the *lis* is required to be moved within a period of three months and in case, no such application is moved within the stipulated period, the proceedings by or against such a party get abated.
6. In the instant case, more than two years have been passed since it came to the knowledge of the petitioner that the only contesting respondent- Smt. Shakuntala Gupta has passed away.
7. In view of the failure of the petitioner to take requisite steps for substitution of legal heirs of deceased respondent- Smt. Shakuntala

Gupta despite availing numerous opportunities including the last and final opportunity granted on 05.03.2024, this petition abates.

8. **Dismissed** as such.

**(Sanjeev Kumar)**  
**Judge**

**Jammu**  
30.08.2025  
Vishal Sharma

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes /No

