

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

...

(THROUGH VC)

RP no. 01/2025

1. Rajinder Singh, Age:80 years
S/o Late Shri Teja Singh
R/o Village Sahanu Mandi
PO Jandrah, Tehsil Dansal, Distt. Jammu
2. Gandharab Singh, Age:76
S/o Late Shri Teja Singh
R/o Village Sahanu Mandi
PO Jandrah, Tehsil and Distt. Jammu
3. Tarsem Singh, Age:51
S/o Late Sh. Pawan Dev Singh
R/o Village Sahanu Mandi
PO Jandrah, Tehsil and Distt. Jammu

.....Petitioner(s)

Through: Mr. Sidhart Yadav, Advocate with
Mr. Ajaz Lone, Advocate

VERSUS

1. Abdul Azia
S/o Shukar Khan
R/o Village Sahanu Mandi
PO Jandrah, Tehsil Dansal, Distt. Jammu
2. J&K Special Tribunal
Through its Registrar,
JDA Complex, Janipur, Jammu

Respondents

Through: None.

CORAM:

**HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR JUSTICE MOHAMMAD YOUSUF WANI, JUDGE.**

JUDGMENT
16.05.2025

Sanjeev Kumar J

01. This is a petition by the petitioners filed purportedly under Sections 114 and 115 of the Code of Civil Procedure, 1908 read with Rule 65 of the Jammu and Kashmir High Court Rules, to seek review of our judgment dated 03.01.2025 passed in LPA no. 174/2024. Before averting to the grounds seeking review, a look at the factual matrix of the case.

02. Vide an order and judgment dated 09.07.2024 passed by the learned Single Judge of this Court, an application for condonation of delay (CMP no. 6794/2023) was allowed. Feeling aggrieved, the petitioners herein filed Letters Patent Appeal no. 174/2024 which was contested by the respondents and this Court vide an order and judgment dated 03.01.2025 dismissed the Letters Patent Appeal and allowed the order of learned Single Judge condoning the delay.

03. The judgment passed by us in Letters Patent Appeal is sought to be re-called by the petitioners on the ground that the judgment, in particular, paragraph 20 thereof, makes certain observations which are likely to prejudice the case of the petitioners before the learned Single Judge.

04. Having heard learned counsel for the petitioners and perused the record, we are of the considered opinion that there is no error apparent on the face of record in the judgment dated 03.01.2025 and, therefore, the review petition is not maintainable. However, having regard to the submissions made by the learned counsel for the petitioners and having gone through the order and judgment dated 03.01.2025, we are of the considered opinion that a clarification in the

matter would be required to serve the ends of justice. We, therefore, clarify that the observations made in the order and judgment dated 03.01.2025 touching upon the merits of the controversy before the learned Single Judge or otherwise are restricted to the disposal of the Letters Patent Appeal no. 174/2024 which was against an order of the learned Single Judge passed in CMP no. 6794/2023 seeking condonation of delay and, therefore, cannot be construed as an expression of opinion by us on the merits of controversy before the learned Single Judge. The observations made in the judgment directly or indirectly touching upon the merits of controversy before the learned Single Judge are, therefore, only for the purposes of disposal of the Letters Patent Appeal no. 174/2024 and shall not prejudice the petitioners before the learned Single Judge in any manner.

05. With the aforesaid clarification and observations, this review petition is disposed of.

06. This order shall be read in continuation of and as a part of our judgment passed in LPA no. 174/2024.

(Mohammad Yousuf Wani)
Judge

(Sanjeev Kumar)
Judge

SRINAGAR:
.05.2025
Yasmeen, Secy.

Whether the order is reportable: Yes/No