

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No. : RP No. 17/2025
CM No. 2773/2025
in OWP No. 682/2018

1. UT of Jammu and Kashmir
Through Principal Secretary to Govt.
Jal Shakti Department,
Civil Sectt., J&K at Jammu
2. Chief Engineer,
Jal Shakti (PHE) Department,
Jammu
3. Executive Engineer,
Jal Shakti (PHE) City Division-I,
Jammu

.... Petitioner(s)

Through:- Ms. Sagira Jaffar, Advocate vice
Mrs. Monika Kohli, Sr. AAG.

Vs

Chuni Lal Bhagat, Age: 78 years,
S/o Late Jaggu Ram Bhagat,
R/o Muthi, Tehsil and District Jammu

.....Respondent(s)

Through:- Mr. Anil Gupta, Advocate.

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER

09.12.2025

CM No. 2773/2025

1. This application has been filed by the applicant for condoning the delay of 715 days in filing the petition seeking review of the judgment dated 17.03.2023, passed in OWP No. 682/2018 (along with connected writ petitions, i.e., WP(C) No. 537/2022 and WP(C) No. 538/2022 titled 'Chuni Lal Bhagat vs. U.T. of J&K and others'.

2. The applicants submit that after receipt of the copy of the judgment, they immediately searched for the records of the case, and the matter was examined and processed at various levels. Thereafter, the record was sent for the opinion of the department. The applicants state that they were then advised to file a revision petition before this Court. It is further submitted that the applicant-department had processed the case of the petitioner for payment of compensation for the loss of land, and the instructions of the department in this regard have been placed on record by letter dated 13.12.2024.

3. It is thereafter, on the advice received, that further steps were taken for drafting and filing the review petition. The time consumed, according to the applicants, was on account of obtaining the requisite sanction. It is also submitted that substantial and important questions of law are involved.

4. Reliance has been placed on the judgment passed by the Hon'ble Apex Court in **“Collector, Land Acquisition, Anantnag vs. Mst. Katiji and others”, 1987 (2) SCC 107**, wherein it was held that:

- “1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.
2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.
3. "Every day's delay must be explained"
- does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.
4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.”

5. The respondent, in his objections, has submitted that the application is misconceived and liable to be dismissed. He has stated that the applicants were duly served with the judgment dated 17.03.2023 on 20.07.2023. However, the judgment was not implemented, and the respondent was constrained to file a contempt petition, which was disposed of vide order dated 02.04.2025. It is submitted that the applicants have failed to show sufficient cause for condoning the delay in filing the review petition.

6. We have carefully gone through the material placed on record for condoning the delay and the reasons stated in the application. The reasons assigned cannot be said to constitute sufficient cause for condoning the delay of 715 days in filing the review petition.

7. It is true that substantial justice should prevail, but we cannot lose sight of the fact that the law of limitation may appear harsh to a particular party, yet it has to be applied with full force. The statute prescribes the limitation period, and this Court has no power to extend such period on equitable grounds, as held in '**P.K. Ramachandran v. State of Kerala**', (1997) 7 SCC 556.

8. The impugned judgment was served upon the applicants on 20.07.2023, and this is supported by the receipt filed in the contempt petition, CCPD No. 18/2024. The applicants have failed to explain why

the review petition could not be filed within the prescribed period of limitation. They were required to show sufficient cause, that is, an adequate reason which genuinely prevented them from approaching the Court in time. The inordinate delay remains unexplained.

9. The Hon'ble Supreme Court in case titled '**Basawaraj& Anr. Vs. Special Land Acquisition Officer**', 2013 (14) SCC 81, has held as under:-

“15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bonafide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamount to showing utter disregard to the legislature.”

10. The Hon'ble Apex Court time and again in various judgments has held that where there is no satisfactory explanation, delay should not be condoned. In '**Office of the Chief Postmaster General & Ors. vs. Living Media India Ltd. & Anr.**', AIR 2012 SC 1506, the Hon'ble Apex Court refused to condone the inordinate delay of 427 days in filing the SLP. Para Nos. 12 & 13 of the judgment being relevant are reproduced as under:-

“12) It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation

when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bonafide, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.

13) In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay”.

11. In the present application, no adequate reason is shown which prevented filing of the review petition within the period of limitation. The explanation is confined to routine departmental movement of files after expiry of limitation and does not disclose any circumstance beyond the control of the applicants. There is no material to show that any steps were taken during the period of limitation or that the applicants acted with diligence.

12. Having regard to what has been stated above and to the law laid down by the Hon’ble Supreme Court, the reasons given in the application cannot be said to be sufficient, therefore, this application is **dismissed**, and, as a consequence, the review petition also stands dismissed.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Jammu:
09.12.2025
Michal Sharma/PS

Whether approved for reporting : Yes/No

