

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

Case No.:- **WP(C) No. 2274/2019**
CM No. 1734/2025

1. Rakesh Nanda, age 58 years
2. Rajesh Nanda, age 50 years
Both sons of Late Madan Lal
3. Renu Abrol, age 54 years
D/o Late Madan Lal
All residents of House No. 86, Kali Jani, Jammu.

.....Petitioner(s)

Through: Mr. P.S. Pawar, Advocate.

Vs

1. J&K Special Tribunal, Jammu.
2. Additional Deputy Commissioner with powers of Commissioner Agrarian Reforms, Jammu.
3. Shonka Ram
4. Thoru Ram
Sons of Pathu Ram
5. Soma Devi D/o Pathu Ram
All residents of village Jandyal, Tehsil Bhalwal District Jammu.

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-1 & 2.
Mr. G. S. Thakur, Advocate for 3 to 5.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

20.05.2025

1. Three persons, namely, Shonka Ram, Thoru Ram and Soma Devi-respondents No. 3 to 5 herein preferred a revision under section 21 of the Agrarian Reforms Act, 1976 on file No. STJ/240/2017 before the Jammu and Kashmir Special Tribunal, Jammu which resulted in final adjudication in terms of an order dated 27.02.2019 whereby order dated 05.06.2017 passed by the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu with respect to an appeal filed by the petitioners herein came

to be set aside with a direction to the appellate authority of the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu to consider the application filed by the petitioners herein for condonation of delay again in order to maintain their time barred appeal and thereafter deal with the matter in appeal in case of condonation of delay taking place.

2. It is against this adjudication that the petitioners, as being the respondents in the revision petition before the Jammu and Kashmir Special Tribunal, Jammu, came forward with the present writ petition which has been lying on the docket of this Court w.e.f. June, 2019 serving no benefit to the *lis* as well as the parties to the *lis* except waste of time which is of irreversible nature.
3. From the perusal of the impugned order dated 27.02.2019 of the Jammu and Kashmir Special Tribunal, Jammu, this court finds that no prejudice has been caused to the case of the petitioners herein, as appellants, in terms of their time barred appeal against mutation No. 1258 dated 30.12.1981 of village Jandial as in case the appellate authority would come to hold by a separate order that the condonation of delay is warranted to be granted in favour of the petitioners, as the appellants, then adjudication of their appeal on merits can

take place and in case if the condonation of delay plea of the petitioners, as appellants, to fail, then of course petitioners, as appellants, would have the next remedy available i.e., by either approaching the Jammu and Kashmir Special Tribunal, Jammu or this Court whichever option the petitioners would opt to exercise.

4. Therefore, this Court is not inclined to interfere in the adjudication so made by the Jammu and Kashmir Special Tribunal, Jammu.
5. During the pendency of this writ petition, the respondents No. 3 and 5, namely, Shonka Ram and Soma Devi are said to have expired meaning thereby in appeal also, said two respondents' legal representatives are to be brought on record even for the sake of considering the condonation of delay application.
6. This writ petition is, thus, **disposed of** with a direction unto the appellate authority of Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu to restore from the record the time barred appeal of the petitioners in terms of the direction of the Jammu and Kashmir Special Tribunal, Jammu as per order dated 27.02.2019 and thereupon deal with the condonation of delay application and consequent course of action thereupon. The

petitioners to amend their application for condonation of delay as well as proposed memo of appeal by bringing on record the legal representatives of the deceased respondents Shonka Ram and Soma Devi in whatever order they figure as respondents in the condonation of delay application as well as in the memo of appeal.

7. The legal representatives of the deceased respondent Shonka Ram are twelve (12) in number whereas, of the respondent Soma Devi are two in number. Following are the names of the deceased respondents Shonka Ram and Soma Devi:

Legal representatives of deceased-respondent Shonka Ram:

- (i) Ram Dass
 - (ii) Mangal Dass
 - (iii) Ajeet Ram
 - (iv) Bodh Raj
 - (v) Mahinder Pal
 - (vi) Babu Ram
- All sons of Late Shonka Ram.
- (vii) Krishna Devi D/o Late Shonka Ram
 - (viii) Giano Devi W/o Late Shonka Ram
 - (ix) Ashok Kumar
 - (x) Deepak Kumar
 - (xi) Sheetal
 - (xii) Shashi Devi

Legal representatives of deceased-respondent Soma Devi:

- (i) Garu Ram
- (ii) Savitri Devi.

8. In order to save the time, the above named legal representatives of the deceased respondents Shonka Ram and Soma Devi shall be deemed to have been impleaded as legal representatives in the condonation of delay application as well as in the proposed memo of appeal preferred by the petitioners and, therefore, the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu shall proceed ahead with service of the legal representatives above named for their appearance in the condonation of delay application.
9. The Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu, after referring himself to the record of the appeal, to ensure that in case if the deceased-respondents Shonka Ram and Soma Devi, at the relevant point of time pursuant to their appearance in the case had filed reply/objections to the condonation of delay application then the legal representatives hereby directed to have been impleaded are not to be given an opportunity of filing reply/objections to the condonation of delay application but in case if reply/objections to the condonation of delay application had not been filed by the two deceased

respondents, then their legal representatives are to be given an opportunity of filing reply/objections to the condonation of delay application and thereupon to proceed with the adjudication of the matter as directed by the Jammu and Kashmir Special Tribunal.

10. The Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu is directed to take up the adjudication of the condonation of delay application in the light of the aforesaid and conclude it within a period of six months from the date of service of certified copy of this order by the petitioners unto the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu. The petitioners as well as the respondent No. 4 Thoru Ram are directed to present themselves either in person or through their respective counsel before the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu on 30.05.2025 whereupon the period of six months for the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Jammu to adjudicate and dispose of condonation of delay application shall start running.

11. In case of default on the part of the Additional Deputy Commissioner (with powers of Commissioner Agrarian

Reforms), Jammu of disposing of condonation of delay application within six months then extension of the time to be sought by a motion bearing reasons to be laid before this Court.

12. Disposed of as above along with connected application(s).

(RAHUL BHARTI)
JUDGE

JAMMU
20.05.2025
Naresh/Secy.

