

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

CM 5212/2025 in LPA 186/2025

UT OF JK AND OTHERS

...Appellant(s)

Through: Mr. Mohammad Younis Hafiz, AC

Vs.

GH. MOHI-UD-DIN & ANR

...Respondent(s)

Through: Mr. M.Y. Bhat, Sr. Advocate with
Mr. Hamza Prince, Advocate

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDE R

24.12.2025

CM No. 5212/2025

1. This is an application seeking condonation of delay of 372 days in filing the LPA No 186/2025, challenging an order dated 7th June, 2024 passed by the learned Single Judge of this Court in CCP(S) No. 485/2023.
2. Objections on behalf of the respondents have been filed.
3. The application, for the reasons stated therein is allowed, and the delay of 372 days in filing LPA No. 186/2025 is condoned.
4. **CM disposed of.**

LPA No. 186/2025

1. This intra-court appeal filed in terms of Clause 12 of the Letters Patent, is directed against the order dated 7th June, 2024 passed by the learned Single Judge of this Court in CCP(S) 485/2023, whereby the learned Single Judge has directed the respondents to file a compliance report in respect of the left out employees after holding that the judgment of which the violation is alleged, is a judgment in rem and not a judgment in personam.
2. Having heard learned counsel for the parties and perused the record of SWP No. 2461/2013, we are in agreement with the learned Single

Ghulam Mohi-ud-Din Sofi and Abdul Rashid Shagoo, for and on behalf of the eighty nine (89) similarly situated employees.

3. In paragraph one (1) of the petition, it was specifically pleaded by the aforesaid petitioners that they had been authorized by eighty nine (89) persons to file the writ petition by passing a resolution. As a matter of fact, the resolution passed by the said eighty nine (89) persons has also been placed on record. We also find that a separate application in terms of Order 1 Rule 8 of the CPC seeking permission of the Court to file the petition in representative capacity was also filed, in which on the orders passed by the Court a notice was also published in a Daily Newspaper. Otherwise also, from a reading of the judgment passed in SWP No. 2461/2013, it clearly comes out that the judgment was applicable at least to the two named petitioners as well as the eighty nine (89) others who had authorized the named petitioners to file the petition and, therefore, cannot be construed as a judgment in respect of only two persons. That apart, it has brought to our notice by the learned counsel for the respondents that part of the judgment has been complied with in respect of all the employees and, therefore, the plea that the judgment in SWP No. 2461/2013 is a judgment in personam and not a judgment in rem is not available to the appellants.
4. For the forgoing reasons, we find no merit in this appeal, and the same is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

24.12.2025

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