

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM No. 8013/2024 IN
RP No.91/2024

Reserved on: 21.11.2025

Pronounced on: 27.11.2025

Uploaded on: 01.12.2025

*Whether the operative part or full
judgment is pronounced-**Full Judgment***

Union of India & Ors.

...Petitioner(s)

Through: Mr. T.M.Shamsi, DSGI.

Vs.

Jeet Singh

...Respondent(s)

Through: Mr. Z.A.Qureshi, Sr. Advocate with
Mr. Rehana Fayaz, Advocate.

CORAM: HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE

JUDGMENT

CM No.8013/2024

1. This application has been filed seeking condonation of delay in filing the above numbered Review Petition, seeking review of the judgement dated 23.08.2024 passed in SWP No.1647/2017 titled '*Jeet Singh Vs. Union of India & Ors*'.
2. Applicants-writ respondents have pleaded in the application for condonation of delay that the delay in filing review petition was neither deliberate nor intentional but is a *bonafide*; that after obtaining the copy of the judgment dated 23.08.2024, which is sought to be reviewed through the medium of connected review petition, the matter was taken up with the higher authorities for appropriate action and since the matter is old one, tracing of its

record took some time. However, the competent authority found that this Court had granted reliefs, which have been already received by the writ petitioner, therefore, it was resolved that the matter in issue needs to be reviewed by this Court as the writ petitioner is not found entitled to the same relief twice. It is, therefore, prayed that the delay be condoned and the review petition be decided on merits.

3. The non-applicant has filed objections to the application for condonation of delay, wherein it is contended that the judgment of which review is being sought, was passed on 23.08.2024 and the application for condonation of delay has been filed on 11.12.2024. The period of limitation for filing review petition is 30 days, which expired on 22.09.2024. It is further contended that the reasons given for such delay is that the record pertaining to the case was old and was to be traced, which took some time. According to learned senior counsel for the non-applicant, the plea that lot of time was consumed in obtaining the records of the case, cannot constitute a valid ground for condonation of delay.
4. Heard learned counsel for parties and perused the material available on file.
5. The law on the issue can be summarized 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 the period of 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.

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

"15. The law on the issue can be summarized 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."

7. The Apex Court in a case reported as **1997 (8) Supreme 332** titled **P.K.Ramachandran Vs. State of Kerala & Anr.**, wherein it has been observed that :-

“...Law of limitation may harshly effect a particular party but it has to be applied with all its rigor when the statute so prescribe and the Courts have no power to extend the period of limitation on equitable grounds....”

8. Undoubtly, delay can be condoned only if a satisfactory and convincing explanation is furnished which inspires confidence. If the explanation offered is vague, in that eventuality it would be unfair to

deprive the other party of a valuable right that has accrued in its favour by reason of the applicant's default. The Court is duty bound to protect the rights of both the parties and no right of either party can be taken away arbitrarily or contrary to law.

9. 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 or years due to considerable degree of procedural red-tape in the process. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments.
10. Considering the fact that there was no proper explanation offered by the respondents for the delay of 80 days, the respondents have miserably failed to give any acceptable and cogent reasons sufficient to condone the delay.
11. Accordingly, application for condonation of delay is found devoid of any merit or substance and, as such, is, **dismissed**.
12. Consequently, the Review Petition is also **dismissed** for being time barred, suffering from the inordinate and unexplained delay, along-with connected interim application(s).

(M. A. CHOWDHARY)
JUDGE

Srinagar
27.11.2025
Muzammil. Q

Whether the judgment/order is reportable: Yes