

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CJ Court

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**Case No. LPA No. 70/2026 in
WP(C) No. 115/2023
CM No. 2477/2026**

Mohd. Aslam

.....Appellant(s)/Petitioner(s)

Through: Mr. I. H. Bhat, Adv.

vs

U. T. of J&K and others

..... Respondent(s)

Through: Mr. Raman Sharma, Sr. Adv.(AAG) with
Ms. Saliqa Sheikh, Adv for Nos. 1 to 3
Ms. Sagira Jaffer, Adv. vice
Ms. Monika Kohli, Sr. AAG for Nos. 4 and 5

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

**ORDER
27.04.2026**

- 1 The instant *intra* court appeal is directed against order dated 07.04.2026 passed in CM No. 1762/2026 and CM No. 1763/2026, tilted, "Mohd. Aslam vs. U. T. of J&K and others", whereby the learned Single Judge while condoning the delay in filing the restoration of the Writ Petition bearing WP(C) No. 115/2023 as well as restoring the Writ Petition to its original number, has not revived the interim direction dated 25.01.2023 passed in that Writ Petition.

- 2 Notice, waived by Ms. Saliqa Sheikh, Advocate on behalf of respondent
Nos. 1 to 3 and Ms. Sagira Jaffar, Advocate on behalf of respondent Nos. 4
and 5.
- 3 Heard learned counsel for the parties and perused the record.
- 4 The record indicates that the appellant filed Writ Petition WP(C) No.
115/2023 along with an application for grant of interim relief. Vide order
dated 25.01.2023, learned writ court stayed the operation of order impugned
in the writ petition; however, the writ petition along with Contempt Petition
bearing CCP(S) No. 235/2024 was subsequently dismissed for non-
prosecution on 17.11.2025.
- 5 The appellant filed an application bearing CM No. 1762/2026 seeking
condonation of delay in filing the application bearing CM No. 1763/2026 for
restoration of the Writ Petition.
- 6 The learned Single Judge allowed both applications, thereby condoning the
delay and restoring the Writ Petition to its original number. However, the
Court directed that the appellant's status as sought in the underlying petition
shall remain subject to the final outcome of the Writ Petition.
- 7 The appellant contends that upon the restoration of the Writ Petition, the
proceedings in the interim application were naturally revived. The record
indicates that the learned Single Judge accepted the grounds urged for
condoning the delay, as well as the merits of the application to restore the
petition. Ordinarily, the restoration of a Writ Petition carries with it the
revival of all ancillary proceedings, save where the Court explicitly or
impliedly holds to the contrary.
- 8 In the instant case, the learned Single Judge has observed that the appellant's
claimed status would be contingent upon the final resolution of the Writ

Petition, whereas the fact remains that interim order dated 25.01.2023 was issued by the learned writ court and in absence of justifiable reasons, learned Single Judge ought not to have passed the order regarding the status of the petitioner being made subject to final outcome of the writ petition.

9 The respondents did not contend that any events occurred during the interregnum between the dismissal and restoration of the Writ Petition which had a material bearing on the interim order dated 25.01.2023, or which necessitated the passing of the impugned order.

10 In view of the foregoing, this *intra court* appeal is **allowed**. The impugned order dated 07.04.2026 is modified to the extent that the direction making the appellant's status subject to the final outcome of the Writ Petition is hereby set aside, and the interim order dated 25.01.2023 is restored to its original operation. It is further directed that the appellant shall not seek any unnecessary adjournments before the learned Writ Court and shall render all possible endeavour to ensure expeditious disposal of the writ petition.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
27.04.2026
Rakesh PS

Whether the judgment is speaking:	Yes/No
Whether the judgment is reportable:	Yes/No