

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

LPA No. 134/2026 in
OWP No. 79/2017
CM Nos. 4301/2026 & 4302/2026

Date of Pronouncement:-21.09.2026
Uploaded on:- 22.09.2026

UOI and Others Appellant(s)

Through :- Mr. Sandeep Gupta, CGSC.

v/s

Parlahad Singh and Others Respondent(s)

Through :- Mr. Mohit Kumar, Advocate.

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**

ORDER

CM No. 4301/2026

1. This is an application filed in terms of Section 5 of the Limitation Act, seeking condonation of delay of 376 days in filing an *intra-court appeal* to throw challenge to an order and judgment dated 01.03.2025 passed by the learned single Judge of this Court in OWP No. 79/2017 titled, "*Parlahad Singh and ors. Vs. Union of India and ors.*". The delay has been sought to be explained by submitting that on receipt of copy of the judgment dated 01.03.2025, the matter was taken up with the Central Government Standing Counsel for rendering legal opinion. On the basis of the legal opinion, the Defence Estates Officer recommended that the judgment of the learned single Judge must be challenged before the Division Bench, but such recommendation was subject to the approval of

higher authorities. It is submitted that it took some time to obtain the approval of the higher authorities and in this way, there was delay of 376 days in approaching this Court.

2. The respondents have opposed the application for condonation of delay by filing their objections thereto.
3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the applicants/appellants have miserably failed to demonstrate sufficient cause, which prevented them from filing appeal within the prescribed period of limitation. Admittedly, the judgment sought to be challenged in the appeal was passed on 01.03.2025 in the presence of learned CGSC appearing for the applicants/appellants.
4. It may be true that in the government functioning, a file moves from one table to another till the decision for filing the appeal is approved by the competent authority. However, delay of 376 days, i.e., more than a year to complete these requisite formalities is too long to be condoned on asking. Even if we were to believe what is stated in the application for condonation of delay, yet a huge delay of 376 days is inexplicable. The judgment was well within the knowledge of the appellants and, therefore, they ought to have taken timely steps so that the appeal could be filed in time.
5. Seeking of a legal opinion in the matter and forwarding the file to the competent authority for final decision are the usual formalities, which are required in every case, where the Union of India has to challenge an order of the single Bench before the Division Bench.

6. Thus, viewed from any angle, we are not convinced that the explanation tendered in the application constitutes sufficient cause, which may have prevented the applicants/appellants from filing this appeal.
7. We have also gone through the judgment sought to be challenged and we do not find any apparent legal infirmity in the said judgment, that would persuade us to adopt a liberal approach in the matter.
8. For the foregoing reasons, we find no merit in this application. The same is, accordingly, **dismissed**. Consequently, LPA No. 134/2026 shall also stand **dismissed**.

(Shahzad Azeem)
Judge

(Sanjeev Kumar)
Judge

JAMMU
21.09.2026
Ram Krishan

