

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(Th. Virtual Mode)

RP No. 38/2026 in
LPASW No. 55/2017
CM No. 4485/2026

UT of J&K and ors.

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

Through: Mr. Suneel Malhotra, GA

vs

Sheela Devi and anr.

..... Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
29.07.2026

CM No. 4485/2026

1. LPASW No. 55/2017 was dismissed for non-prosecution vide order dated 28.04.2022. Thereafter, the applicants filed an application for re-admission of the appeal, which was barred by limitation, along with an application seeking condonation of delay of 619 days. In terms of order dated 16.10.2024, both the applications seeking condonation of delay and re-admission of the appeal were dismissed, as the reasons demonstrated by the applicants therein for condonation of delay were found to be atrocious, as recorded in the aforesaid order.
2. The applicants have now filed the present application seeking condonation of delay in filing the application for review of the order dated 16.10.2024 on the ground that initially, after sanction was granted in the month of January, 2025 for filing the application for review of the order dated 16.10.2024, the matter was assigned to learned Senior AAG. However,

owing to his ill health, he could not file the review petition and ultimately resigned in January 2026. It is further stated that the applicants, thereafter, applied for certified copy of the impugned order on 06.04.2026, which was issued to them on 08.04.2026. Thereafter, the present application along with application for review was filed. It is also stated that the Department also took some time to get the OIC appointed and obtaining his signatures on the review petition. It is further stated that the delay occasioned in filing the application for review is neither intentional nor deliberate but because of administrative reasons.

3. We have heard Mr. Suneel Malhotra, learned Government Advocate.
4. A perusal of the record reveals that the applications for condonation of delay and re-admission of the appeal (CM Nos. 603/2024 and 804/2024) were dismissed vide order dated 16.10.2024, as the applicants failed to demonstrate sufficient cause for condoning delay. Despite the dismissal of the earlier applications, the applicants failed to exercise due diligence and did not file the review petition within the prescribed period of limitation.
5. By the applicants' own admission, sanction to file the review application was granted in January 2025. However, it was not filed due to the illness of the learned Senior AAG, who subsequently resigned in January 2026. Even if the learned Senior AAG fallen ill, the applicants ought not to have waited for over a year before seeking review of the order dated 16.10.2024. Displaying reasonable diligence, they should have reallocated the matter to another Government Advocate. It is noteworthy that the previous application for condoning delay in filing the re-admission of the appeal was dismissed on account of delay of 619 days. Despite such

dismissal, the present application has also been filed beyond the prescribed period of limitation.

6. In **Shivamma v. Karnataka Housing Board, 2025 SCC OnLine SC 1969**, the Hon’ble Apex Court has observed as under:

“263. Limitation periods are prescribed to maintain a sweeping scope for the *lis* to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. **Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the *lis* for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.**
264. **No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.**“

(emphasis added)

7. Having considered the application and the grounds urged therein, we are of the considered view that the applicants have failed to demonstrate any sufficient cause to justify condonation of the delay of more than 500 days in filing the application for review of the order dated 16.10.2024.

8. Accordingly, the application seeking condonation of delay is found to be devoid of merit and is, therefore, dismissed. Consequently, the application seeking review of the order dated 16.10.2024 also stands dismissed as barred by limitation.

(SANJAY DHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

Jammu
29.07.2026
Neha-II

Whether the order is speaking:	Yes
Whether the order is reportable:	No