

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(348/2026) In LPA 10/2026

Union Territory of J&K and Ors.

...Appellant(s)

Through: Mr. Ilyas Laway, GA

Vs.

Farooq Ahmad Teli & Others

...Respondent(s)

Through: Ms. Nusrat Razaq, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

04.07.2026

01. This is an application for condonation of delay of 596 days when this appeal was initially filed against one Abdul Rehman Teli, a dead person. Subsequently, the appellants moved an application for substitution of the legal heirs of deceased Abdul Rehman Teli, which came to be allowed by this Court vide order dated 27.04.2026, and the legal heirs were brought on record.

02. That being the position, this appeal is to be taken as being validly instituted on 27th April, 2026. This would add 86 days more. Thus, there is a delay of 682 days in filing the appeal.

03. The delay is sought to be condoned by the appellants by submitting that though the judgment was passed on 15th April, 2024 in the presence of learned counsel for the appellants, yet it took them a lot of time to process the matter and take a final decision with regard to challenging the judgment impugned

before the Division Bench of this Court by filing a Letters Patent Appeal (LPA).

04. In Paragraph 2 of the application, the appellants have given the narration of events with chronological dates. We have gone through the application in its entirety and are not persuaded to accept the plea of the appellants, that since the litigation by the State is impersonal in nature and, therefore, even if there is unexplained delay it must be condoned liberly.

05. The appellants have miserably failed to demonstrate any cogent cause much less a sufficient cause which prevented them from filing the appeal within the period of limitation. The 682 days delay is a huge delay and cannot be condoned on the asking of the appellants.

06. Learned counsel appearing for the appellants have relied upon a latest judgment of the Hon'ble Supreme Court rendered in the case of *"Inder Singh Vs. State of Madhya Pradesh"*, 2025 Live Law (SC) 339 in support of his arguments, wherein the Court has condoned a delay of more than one year giving latitude to the Government. We have gone through the judgment relied upon by the learned counsel for the appellants and find that the decision was rendered in the peculiar facts and circumstances of that case and, therefore, cannot be construed as laying down a universal proposition by the Hon'ble Supreme Court for all cases.

07. Be that as it may, the delay of more than 600 days has not been satisfactorily explained. The appellants have failed to

establish any sufficient cause warranting exercise of discretion in their favour under the law of limitation. We, therefore, find no justification to condone such an inordinate and unexplained delay.

08. Accordingly, the application seeking condonation of delay is **dismissed**. As a necessary consequence, the accompanying Letters Patent Appeal shall also stand **dismissed**.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

04.07.2026

"Mir Arif"

