

Serial No. 2
Supplementary List

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR**

Through VC

CM No. 2880/2025 in
RP No. 38/2025

Kasha Nath Tickoo and Ors through their attorney

..... Appellant/petitioner(s)

Through: -

Mr. B. A. Bashir, Sr. Advocate with Ms. Falak Bashir, Advocate

V/S

Bharat Bhushan Suri

..... Respondent(s)

Through: -

Mr. Z. A. Qureshi, Sr. Advocate with Ms. Rehana, Advocate

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

(ORDER)

24.04.2026

01. By this application, applicant/respondent is seeking condonation of delay that has crept in filing the review petition to seek review of order dated 18.03.2025, whereby, the application bearing CM No. 6186/2022, has been allowed and condonation of delay application had been directed to be listed on 22.04.2025. Order dated 18.03.2025 reads thus:

“This is an application filed by the applicants/review petitioners for condonation of delay of sixty days in filing the application for restoration of condonation of delay application.

The application for the reasons stated therein is allowed and the delay in filing the condonation of delay application is condoned.

List the Condonation of delay application on 22.04.2025”

02. It appears that a condonation of delay application bearing No. 124/2016, had been filed, seeking condonation of delay occasioned in filing the review petition against the Judgment of this Court dated 27.06.2013 passed in LPAW No. 40/2008. The said application in terms of order dated 27.07.2022, came to be dismissed and in consequence whereof, the review petition was also dismissed as time barred. For facility of reference order dated 27.07.2022 is reproduced hereunder:

“The Review Petition has been filed with the delay of two years and 310 days.

On the delay condonation application, Respondent No.1 has filed objections but no one has appeared for the applicant to press the review petition. The order sheets on the file reveal on the last two occasions none has appeared to press the application but in the interests of justice, matter was adjourned. The above facts reveal that the Applicant has lost interest in the matter and is no longer interested in pursuing the proceedings.

Accordingly, the delay condonation Application is rejected and consequently the review petition is dismissed as time barred”

03. Subsequent thereto, an application bearing CM No. 6186/2022, was filed by the applicants/review petitioners, seeking condonation of delay of sixty days, which had crept in filing the application for restoration of the condonation of delay application bearing CONDL No. 124/2016, dismissed in terms of order dated 27.07.2022.
04. This Court, upon consideration of the matter, in terms of order dated 18.03.2025, condoned the delay by allowing the application and directed for listing of condonation of delay application, presumably CONDL No.124/2016, on 22.04.2025.

05. Against the said order dated 18.03.2025, a review petition has been filed alongside the present application for condonation of delay by the respondent, seeking its review on the ground that this Court in terms of order dated 27.07.2022, had, while dismissing the application for condonation of delay, crept in filing the review, had also dismissed the review petition itself, therefore, the CM No. 6186/2022, was not maintainable without incorporating any relief in respect of the restoration of review petition arising out of LPAW No. 40/2008.
06. Learned counsel for the applicant would submit that there is neither any application filed for seeking recall of the order dated 27.07.2022 as a whole, so that the review petition filed against the Judgment dated 27.06.2013 could be restored, nor such restoration has been sought by any other means. The learned senior counsel for the applicant/respondent, is thus justified in submitting that this Court has erred in passing the order dated 18.03.2025, by allowing the CM No. 6186/2022, as that, in essence, has nullified the direction in respect of the dismissal of the review petition as time barred. The non-applicant while filing the application CM no. 6186/2022 ought to have sought condonation of delay in filing application for restoration of not only the CONDL No. 124/2016 but also the review that was dismissed alongside.
07. We have heard learned counsel for the parties and perused the order under review as also the allied record.

08. The instant application, for the reasons stated therein, is allowed and the delay in filing the review petition No. 38/2025 is condoned.
09. Perusal of the record would reveal that the non-applicants herein, had filed two applications bearing CM Nos., 6186/2022 and 6187/2022, for condonation of delay in filing the application for restoration of the condonation of delay application bearing CM No. 124/2016 and its subsequent restoration. A bare perusal of order dated 18.03.2025, which is sought to be reviewed, shows that this Court has only condoned the delay in filing the restoration application i.e. CM No.6187/2022 seeking restoration of CONDL No.124/2016, as such, after allowance of CM No.6186/2022, it was CM No.6187/2022, which was to be listed for consideration. However, due to an inadvertent typographical error that has crept in order dated 18.03.2025, delay in filing the condonation of delay application was condoned, whereas delay in filing the restoration application i.e. CM No.6187/2022 should have been condoned and it was that application which ought to have been listed for consideration on 22.04.2025.
10. Having regard to the above discussion, coupled with the submissions made by the learned senior counsels for the parties, we are of the considered opinion that admittedly there is an error apparent on the face of record that warrants review of order dated 18.03.2025 to the extent it directs listing of the condonation of delay application because it should have been the restoration

application i.e. CM No.6187/2022 wherein restoration of CONDL No.124/2016 has been sought.

11. Accordingly, the review petition is disposed of and order dated 18.03.2025 to the extent it directs listing of condonation of delay application is reviewed. **Registry to list CM No.6187/2022 on 5th May, 2025.**

12. Meanwhile, non-applicants shall file objections to CM No.6187/2022 with copy in advance to the learned counsel for the other side.

(MOHD YOUSUF WANI)
JUDGE

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
24.04.2026
"Mohammad Yaseen Dar"

