

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

Case:- CR No. 82/2013
IA No. 83/2013

Inamullah Khan and Anr LRss of Late Sh. Nzar Mohd KhanAppellant(s)/Petitioner(s)

Through: Mr. Y. E Tak, Advocate

Vs

Mohd Amin Nizami .

..... Respondent(s)

Through: Ms. Neha Abrol, Advocate vice
Mr. O. P. Thakur, Sr. Advocate

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER(ORAL)
(15.07.2024)

01. Learned counsel for the petitioner, Mr. Y.E. Tak fairly concedes that the institution of the present petition as a revision was a mistake, whereas it ought to have been a Civil 2nd Appeal as has been observed by this Court in terms of order dated 08.05.2024. Mr. Tak submits that he needs to come up with amendment for concession of revision to Civil 2nd Appeal.

02. However this Court proposes to Mr. Tak that the better course of action would be to have withdrawal of this revision petition so as to come up with a Civil 2nd Appeal within the time to be given by this Court and by taking care the time spent in the pendency of this revision all along. Mr. Tak readily agrees to this preposition.

03. Accordingly, this revision petition is allowed to be withdrawn with liberty granted that time spent during the pendency of this revision petition shall not come in the way of the petitioner to

be counted as a delay in the matter of the filing of the Civil 2nd Appeal, provided the petitioner comes forward with filing of Civil 2nd Appeal within a period of four weeks from the date of passing of this order.

04. It is further directed that in the event of Civil 2nd Appeal being filed, a certified copy of this revision petition alongwith certified copy of the order being passed today shall be accompanying the said Civil 2nd Appeal.

05. ***Disposed of*** alongwith connected application.

JAMMU
15.07.2024
Javid Iqbal

