Serial No. 04

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

RP No. 69/2024 in
WP(C) No. 1894/2020
CM Nos. 5597/2024 & 5598/2024

S. L. Sharma .....Appellant(s)/Petitioner(s)

Through: Mr. Rakesh Kumar Sharma, Advocate.

Vs

Secretary Housing and Urban Development and others ..... Respondent(s)

Through:

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

ORDER
(29.04.2025)

1. Learned counsel for the petitioner, after arguing for a while, seeks to withdraw the review petition but with a submission that right of the petitioner to assail/challenge the order dated 15.05.2023 passed by this Court in writ petition WP(C) No. 1894/2020 be not left prejudiced on account of the remedy of appeal being rendered time barred on account of pendency of this review petition.

2. It is pertinent to refer herein that the present review petition came to be filed on 17.09.2024 which was surely time barred and for seeking condonation of delay, an application CM No. 5598/2024 has accompanied the review petition which application is yet to be accorded consideration.

3. In addition, learned counsel for the petitioner submits that the time consumed in the pendency of an application CM No. 3655/2023

filed by the petitioner, in terms whereof petitioner had solicited restoration of the writ petition disposed of in terms of order dated 15.05.2023, be also excluded for the purpose of saving the right of the petitioner to seek appellate remedy in the context of limitation.

4. The submission of learned counsel for the petitioner is born out from the fact that CM No. 3655/2023 filed for seeking restoration of the writ petition WP(C) No. 1894/2020 came to be withdrawn vide an order dated 12.08.2024 by reserving the liberty to avail remedy as available under law. Time so spent shall also be not counted against the petitioner.

5. It is, thus, made clear that for the period the application for condonation of delay accompanied with the review petition remained pending adjudication from 17.09.2024 onward till date the passing of this order, shall not be counted against the petitioner in the event of an appeal being preferred by the petitioner. This Court leaves the petitioner to seek his remedy in appeal in exercise of his discretion.

6. In view of the above, the instant review petition is **dismissed** as withdrawn.

(RAHUL BHARTI)
JUDGE

JAMMU
29.04.2025
Shivalee

Shivalee Khajuria
2025.05.02 12:34
I attest to the accuracy and
integrity of this document