Serial No. 13

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2004/2022
CM No. 5546/2022

Karnail Singh and ors. …..Appellant(s)/Petitioner(s)

Through: Mr. Rahul Aggarwal, Advocate

vs

UT of J&K and ors. ….. Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG with
Mr. Vishal Gupta, Advocate for R-1 to 3
Mr. Rahul Raina, Advocate for R-4 to 7, 9, 10, 13 to 18

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

ORDER(ORAL)
18.08.2026

1. The petitioners had filed the appeal against Mutation Nos. 668 and 679 attested under Sections 4 and 8 of Agrarian Reforms Act on 25.12.1980 and 28.01.1981 respectively. The said appeal came to be dismissed for non prosecution in terms of order dated 06.04.2017.

2. The petitioners have assailed order dated 06.04.2017 on the ground that they had requested their counsel to appear regularly and get the appeal decided, however he did not appear, resulting into dismissal of the appeal in terms of the order mentioned above. It is further stated that the dismissal order came to their knowledge in the month of May, 2022.

3. The official respondents have filed response, stating therein that the litigant cannot be permitted to cast entire blame on the Advocate after waking up from a deep slumber.

4. The private respondents have not filed response, however learned counsel appearing for the private respondents submits that the order may be set aside but subject to heavy costs.

5. After having heard learned counsel appearing for the parties and perusing the record, this Court is in perfect agreement with the response filed by the official respondents that the litigants cannot shift the entire burden on his Advocate once he has remained negligent in pursuing the appeal, admittedly dismissed in the year 2017. This writ petition has been filed after more than 5 ½ long years. Though there is no justification for setting aside the order impugned in this petition but taking into consideration the submission made by the learned counsel for the private respondents, the order impugned dated 06.04.2017 passed by the Additional Deputy Commissioner, Udhampur is set aside, subject to payment of cost of Rs. 25,000/- to the contesting respondents. The cost shall be paid to the private respondents before the Additional Deputy Commissioner, Udhampur on the next date of hearing i.e. 01.10.2026. The parties shall appear before the Additional Deputy Commissioner, Udhampur on the said date and the Additional Deputy Commissioner, Udhampur shall decide the appeal as expeditiously as possible as the same was filed in the year 2006.

6. **Disposed of**.

(RAJNESH OSWAL)
JUDGE

Jammu
18.08.2026
Neha-II

NEHA KUMARI
2026.08.19 10:25
I attest to the accuracy and
integrity of this document