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Regular

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

WP(C) 2938/2026 CM(8209/2026)

MST. SARA AND OTHERS ….. Petitioner (s)

Through: Mr. Younis Ahad, Advocate.

V/s

UNION TERRITORY OF J AND K AND OTHERS ….. Respondent(s)

Through:

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Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

23.11.2026

1. The petitioners, through the medium of present petition have challenged order dated 25.08.2026, passed by the Joint Financial Commissioner Revenue (Agrarian Reforms), J&K Srinagar.
2. Heard learned counsel for the petitioners and perused the record.
3. It appears that the petitioners have filed an appeal against mutation of succession bearing Nos. 2302 and 2303 dated 29.03.2001 with regard to land falling under Khewat No. 20 situated at Village Koil. Since the appeal was filed belatedly, the petitioners along with the appeal filed application seeking condonation of delay in filing the appeal. Deputy Commissioner (District Collector), Pulwama vide order dated 20.07.2024 condoned the delay by observing that the appeal has merit and the same should at least be heard on merits.

4. The aforesaid order passed by the Deputy Commissioner was assailed by the respondents by way of revision petition before the Divisional Commissioner, Kashmir who vide order dated 14.01.2026 recommended to the Financial Commissioner, Revenue that the impugned order passed by the Deputy Commissioner be set aside. The said recommendation has been accepted by the Financial Commissioner, J&K vide impugned order dated 25.08.2026 thereby setting aside the order passed by the Deputy Commissioner.
5. Admittedly the appeal filed by the petitioner against the impugned mutations was barred by limitation inasmuch as the same was filed about 22 years after attestation of the mutations. It is pertinent to note that the impugned mutations were shown to have been attested in presence of petitioner No. 1/Mst. Sara. There is a presumption of correctness with regard to official record, thus, it cannot be stated that the petitioners did not have knowledge about the impugned mutations. A perusal of the order passed by the Deputy Commissioner whereby delay has been condoned reveals that the said Authority has been swayed by merits of the case. No other reason has been assigned for condoning the delay.
6. It is well settled law that the merits of the case are not to be taken into consideration at the time of deciding an application for condonation of delay. Reference in this regard is made to

judgment of the Supreme Court in case titled *Pathapati Subba Reddy (Died) by LRs & Ors. v. The Special Deputy Collector (LA) 2024 LiveLaw (SC) 288*. Therefore, the learned Financial Commissioner has rightly set aside the order of Deputy Commissioner.

7. For the foregoing reasons I do not find any merit in this petition. The same is accordingly **dismissed**.

(Sanjay Dhar)
Judge

SRINAGAR
23.11.2026
Aasif