

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

CONOW No. 40/2018
in OWP No. 763/2010
Date of order: 30.11.2018

Mohd. Abdullah Choudhary	vs.	State of J&K and others
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Coram:

Hon'ble Mr. Justice Rajesh Bindal, Judge

Appearance:

For Petitioner/Appellant(s) : Mr. R. K. S. Thakur, Advocate

For Respondent (s) : Mr. C. M. Koul, Sr. AAG

i/	Whether to be reported in Press/Media	:	Yes/No
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ii/ Whether to be reported in : Yes/No
Digest/Journal

1. Prayer made in the present application is for restoration of the writ petition which was dismissed in default on 28.03.2018. The application for restoration is accompanied by an application seeking condonation of delay which was calculated by the Registry as 83 days. Perusal of the order dated 28.03.2018 shows that the date on which the petition was dismissed in default, none had appeared for the parties.
2. Learned counsel for the petitioner submitted that earlier writ petition was filed when no award was announced for acquisition of land. However, the award was announced and a fresh petition being OWP No. 56/2017 has been filed to challenge the same. Hence, the writ petition may be restored and the petitioner may be permitted to withdraw the present writ petition so as to pursue the subsequent writ petition.
3. Learned counsel for the non applicants fairly submitted that he has no objection if the prayer made by the applicant is granted.

4. Delay of 83 days in filing the restoration application is condoned. Accordingly, the condonation application is disposed of.

Restoration application No. 41/2018

5. For the reasons stated in the application, order dated 28.03.2018 dismissing the writ petition in default is recalled and the same is restored to its original number. Accordingly, the restoration application is disposed of.
6. With the consent of the parties, the main writ petition is taken up on board and disposed of by a separate order.

JAMMU
30.11.2018
Rakesh

(Rajesh Bindal)
Judge

A faint, circular watermark stamp of the Jammu & Kashmir High Court is visible in the background. The text "HIGH COURT" is at the top and "JAMMU & KASHMIR" is at the bottom, surrounding a central emblem.