

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

CONC No. 130/2016(O&M)

State of J&K and others

...Appellant/Petitioner(s)

Through :-  
v/s

Mr. Amit Gupta, AAG

Ranjish Singh

.....Respondent (s)

Through :-

Ms. Mehar Bali, Advocate vice  
Ms. Garima Gupta, Advocate

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

**ORDER**

The present application has been filed by the applicants/petitioners seeking condonation of delay in filing the appeal against the judgment and decree dated 16.11.2015 passed by the court of Principal District Judge, Udhampur(hereinafter to be referred as the trial court) on the ground that the counsel for the applicants who was contesting the suit before the trial court did not inform the applicants and it was only during the execution proceedings, applicants came to know about the passing of the judgment and decree.

Thereafter, due to some procedural wrangles, certain time was consumed for processing the case for appeal and filing the same.

Response stands filed by the respondent in which it has been stated that the counsel for the applicants was present on the date when the judgment was passed and further no sufficient cause has been demonstrated by the applicants warranting condonation of delay.

Mr. Amit Gupta, learned AAG appearing for the applicants/petitioners has reiterated the submissions made in the application.

Ms. Mehar Bali, learned counsel for the respondent/non-applicant submits that the applicants have miserably failed to demonstrate any sufficient cause seeking condonation of delay.

Heard and perused the record.

From the record, it transpires that the presence of the counsel for the applicants has been shown at the time when the judgment was pronounced. In fact, there is nothing on record to belie the contention of the applicants that the counsel of the applicants did not inform the applicants about the passing of the judgment and decree.

There is delay of 269 days in filing the appeal.

It is a settled law that the Court should be liberal while considering an application seeking condonation of delay provided that the sufficient cause has been demonstrated by the litigant for not approaching the Court within the stipulated period.

In view of the above, this Court is satisfied that the applicants have been able to establish sufficient cause for condoning the delay in filing the appeal.

According the delay in filing the appeal, is condoned. The application is allowed subject to payment of Rs. 10,000/- as costs to be deposited in the Registry within four weeks and on deposit, the same be released in favour of the respondent/non applicant.

Registry to diarise the appeal and list the same after four weeks.

**(RAJNESH OSWAL)**  
**JUDGE**