



2025:UHC:1438

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPMS No. 624 of 2025</p> <p><b><u>Hon'ble Manoj Kumar Tiwari, J</u></b></p> <p>1. Mr. Yogesh Pandey, learned counsel for the petitioners.</p> <p>2. Mr. Yogesh Chandra Tewari, learned Standing Counsel for the State of Uttarakhand.</p> <p>3. Mother of petitioners filed an appeal under Section 13 of U.P. Imposition of Ceiling on Land Holdings Act, 1960 before the Commissioner, Kumaon Division, which was numbered as Ceiling Appeal No. 2 of 2015-16. The said appeal was dismissed for non-prosecution vide order dated 01.08.2017.</p> <p>4. Subsequently, petitioners moved an application seeking restoration of appeal on 12.10.2023. Their restoration application has been rejected by the Commissioner, Kumaon Division vide order dated 28.08.2024 on the ground that "Death Certificate" as well as "Surviving Member Certificate" has not been enclosed with the restoration application and the inordinate delay of nearly five years has not been explained in restoration application.</p> <p>5. Learned counsel for the petitioners submits that mother of petitioners passed away on 02.09.2018 at New Delhi, which fact is supported by "Death Certificate" issued by South Delhi Municipal Corporation, Delhi (<i>Annexure 5 to the writ petition</i>). He has also drawn attention of the Court to "Surviving Member Certificate" (<i>Annexure 6 to the writ petition</i>) issued by the Revenue</p>



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		<p>Department, Government of NCT of Delhi, Office of District Magistrate, Vasant Vihar, New Delhi, which indicates that petitioners are the two surviving members in the family of Late Paramjit Kaur. Learned counsel for the petitioners further submits that since petitioners are the only legal representatives of Late <i>Paramjit Kaur</i> and there are documentary evidence to prove their status as legal representatives of Late Paramjit Kaur, therefore, they may be permitted to move appropriate application before learned Commissioner, Kumaon Division for their substitution in Ceiling Case No. 2 of 2015-16 and also for restoration of said case.</p> <p>6. Learned State Counsel submits that the order passed by learned Commissioner cannot be faulted, as he has considered every aspect which was placed before him. He, however, fairly submits that since petitioners are the legal representatives of the appellant (Paramjit Kaur), therefore, they may be given opportunity to place all the material by filing appropriate application before the Appellate Court, which they could not place earlier.</p> <p>7. Accordingly, the writ petition is disposed of by permitting the petitioners to move appropriate application before the appellate court. If petitioners move application(s) within ten days from today, the same shall be considered and decided without being influenced by the order dated 28.08.2024 impugned in this writ petition.</p> <p style="text-align: right;"><b>(Manoj Kumar Tiwari, J)</b> 28.02.2025</p>
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