

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

**CM 4123/2023
In SWP 134/2014**

Dilshada Begum

...Petitioner(s)

Through: Mr. M.M. Dar, Advocate

Vs.

State of J&K and Others

...Respondent(s)

Through: Mr. Bikram Deep Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

28.08.2024

The applicant's writ petition bearing SWP No. 134/2014 which was connected with the previously instituted writ petition bearing SWP No. 12/2014 came to be dismissed as not pressed in terms of an order dated 26.04.2023. The dismissal of the said two writ petitions as being not pressed came to take place when the counsel for the applicant/petitioner at that point of time had reported to the court that he was having no instructions in the matter from the petitioner.

Upon coming to know about the fact that her writ petition SWP No. 134/2014 has come to suffer dismissal without her notice, the applicant/petitioner has come forward with an application seeking restoration of the said writ petition but since the application for restoration is time barred, as such, accompanied with an application seeking condonation of delay of forty-eight days.

The reasons cited in the application for condonation of delay as well as in the restoration application on behalf of the applicant is that during

the pendency of the writ petition her husband namely Ghulam Nabi Chopan had remarried and, therefore, deserted the applicant and the counsel for the petitioner had passed on the said information to her husband or for that matter used to communicate with her husband with the progress of the writ petition but since the relationship with the husband has changed, as such, the petitioner remained ignorant of this development taking place in respect of her own case.

For the reasons stated in the application, the same is taken to be constituting sufficient cause for earning condonation of delay and consequent restoration of the writ petition bearing SWP No. 134/2014 to its original number. Both the applications are, accordingly, allowed. However, it is made clear that restoration of the writ petition bearing SWP No. 134/2014 to its original number will not result in revival of the interim directions, if any, passed in the case and the same can take place only after the writ petition comes up for hearing on the next date of listing.

Registry to diarize and assign a number to the restoration application.

List SWP No. 134/2014 on 16.10.2024.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
28.08.2024
"MIR ARIF"