



S. No. 207
Advance List

IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

LPAOW No. 33/2018

(Through Video Conferencing)

Mohammad Yousuf Koka & others

.... Appellants

Through: None.

v.

State of J&K and others

.... Respondents

Through: None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER

10.08.2020

1. There is no appearance on behalf of the parties.
2. The record shows that the appellants' counsel has not been available since 31.07.2019 when the matter was adjourned at his instance. None appeared on 21.10.2019 when the matter was adjourned in the interest of justice to 17.02.2020. On 17.02.2020, the matter could not be taken up and thereafter.
3. None appears for the parties when the matter is called out.
4. The record of the case shows that while issuing notice in the appeal on the first date of hearing, i.e., 27.04.2018 this Court had granted an *ex parte ad interim* stay directing maintenance of status quo with regard to position on the spot.
5. By way of the instant appeal, the appellants have assailed an order dated 06.03.2018 passed in OWP No. 269/2014.
6. It appears that the matter relates encroachment on Kahcharie land and directions have been made by the authorities for removal of the



encroachment and restoration of the position as it existed prior to the encroachment.

7. There has been other litigation as well with regard to this land as is disclosed in the order of writ Court. The learned Single Judge dismissed the writ petition and upheld the order passed by the Divisional Commissioner.

8. It is apparent that the appellants are interested in delaying adjudication in the instant letters patent appeal.

9. We find that the number of the appeal, names of the parties as well as counsel for the parties has been correctly disclosed in the cause list.

10. In view thereof, though the appellants do not deserve any further adjournment, however, in the interest of justice, we give one more opportunity to the appellants to remain present on the next date of hearing. This is so even though this Court has virtually enabled hearings and parties / counsels are arguing the matter even on phone and whatsapp videos.

11. In case the appellants are not present on the next date of hearing, it shall be presumed that the appellants have nothing to say and appropriate orders shall be passed in the appeal.

12. The cause list and the orders of this Court are available on the court website.

13. List again on 04th of November, 2020.

(PUNEET GUPTA) (GITA MITTAL)
JUDGE CHIEF JUSTICE

SRINAGAR
10.08.2020
TASADUQ
SAB: