

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

**CM(3719/2024)
In FAO(D) 4/2024**

**M/S Epos Health India (P) Limited (Now ...Appellant/Petitioner(s)
Ehi International Private**

Through: Mr.ShafqatNazir, Advocate with
Ms. HenaBaqal, Advocate

Vs.

Union Territory of J&K and Ors. ...Respondent(s)

Through: Mr. Ab. Rashid Malik, Sr. AAG with
Mr. Sheikh Younis, Advocate

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MS. JUSTICE SINDHU SHARMA, JUDGE**

**ORDER
15.10.2024**

CM No. 3719/2024:

The appellant has filed this appeal with a delay of 34 days, accompanied by an application for condonation of delay.

In the condonation of delay application, the appellant submits that, before filing the present appeal, a review petition was filed before the Commercial Court. The said application was disposed of by the Commercial Court on 29th April, 2024. It is further submitted that, the order passed in the review petition was uploaded on the official website of the Commercial Court on 10th May, 2024, and, thereafter, the appeal was filed on 7th June, 2024. This is how the delay has been sought to be explained by the appellant.

The respondents have filed their objections and have opposed the condonation of delay application on the ground that the appellant had unnecessarily filed the review petition and, therefore, cannot be said to have prosecuted the remedy of review bonafide.

Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the appellant has succeeded in showing sufficient cause for filing this appeal beyond the period of limitation. A good amount of time was spent by the appellant in

prosecuting the review petition. The review petition which was disposed of on 29th April, 2024, and as per the appellant which is not controverted by the other side that order passed in review petition was uploaded by the Commercial Court below on 10th May, 2024. Admittedly, the appeal was filed on 07.06.2024 and, therefore, there was no deliberate delay, as such, in filing the appeal.

The application for the aforesaid reasons is allowed and the delay in filing the appeal is condoned.

CM disposed of.

FAO(D) No. 4/2024:

Admit.

Notice.

Notice waived by Mr. Ab. Rashid Malik, learned Sr. AAG on behalf of the respondents.

Send for the record from the Court below.

List again 03.12.2024.

(SINDHU SHARMA)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

15.10.2024

"Mir Arif"