

Serial No.3
Regular cause list

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

CM No. 4444/2024 in CM No.4445/2024 in
CM No. 4769/2023 in CPSW No. 461/2014

Showkat Ahmad Zargar

..... Appellant/petitioner(s)

Through: -
Mr.S.H. Thakur, Advocate.

V/s

Bashir Ahmad Khan

..... Respondent(s)

Through: -
Mr. Mubashir Malik, Dy. AG.

CORAM:
HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE
(ORDER)
25.02.2025

CM No. 4444/2024 in CM No. 4445/2024:

Through the medium of the instant application, the petitioner (original contemnor) seeks the condonation of delay in filing the restoration application CM No. 4445/2024 in respect of the CM No. 4769/2023 that was filed for recalling of the order passed in the original contempt application and came to be dismissed in default vide order dated 03.05.2024.

Heard learned counsel for the parties. Perused the application which is supported with an affidavit. The delay of 38 days is reported to have occasioned in filing the main restoration application.

On the grounds taken in the application coupled with the submissions advanced at the Bar and especially having regard to the law on this subject as laid down by the Hon'ble Apex Court in case titled 'Collector Land Acquisition, Anantnag Vs. Mst. Khatji' (1987)2 SCC 107, the application is *allowed* and the delay in filing the restoration application is condoned.

The restoration application is also taken on board and on the basis of the cause shown in the Condonation of Delay application, the same is also allowed and the main Condonation of Delay application CM No. 4769/2023 filed in support of the application for recalling of the order dated 05.07.2022 is restored to its original number.

Registry is directed to list the Condonation of Delay application bearing CM No. 4769/2023 along with recalling application on 19.03.2025.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
25.02.2025
"Shaista-PS"