

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

**CM 5104/2025 In RFA 34/2019**

**Assadullah Bhat and Ors.**

**...Petitioner(s)**

Through: Ms. Madooda Jan, Advocate

**State of J&K and Ors.**

**...Respondent(s)**

Through:

**CORAM:**

**HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**

12.08.2025

1. A civil miscellaneous appeal under section 52 of the J&K Land Acquisition Act, Svt., 1990 against an award dated 18<sup>th</sup> May, 2018 passed by the Court of Principal District Judge, Budgam came to be questioned by four appellants.
2. During the pendency of the appeal one of the appellants i.e., appellant No. 1-Assadullah Bhat demised with respect to whose death this Court, in terms of an order dated **14.11.2024**, came to make an observation.

3. The appeal came to suffer dismissal for non-prosecution in terms of an order dated **08.05.2025**.
4. The dismissal for non-prosecution of the appeal was to be read against the appellants No. 2 to 4, as the appellant No. 1 was already dead and there being no legal representatives coming forward from the end of the deceased appellant No. 1- Assadullah Bhat to seek his substitution.
5. Be that as it may, the appellants No. 2 to 4 have come forward with an application bearing CM No. 5105/2025 supported by an affidavit of appellant No. 3- Nazir Ahmad Bhat for seeking restoration of the appeal but the application for restoration being time barred afflicted by delay of sixty-one days is accompanied with an application bearing CM No. 5104/2025 for condonation of delay.
6. In the application for condonation of delay, it is stated that the applicants No. 2 to 4 were out of touch with the counsel, as it was the deceased appellant No.1-Assadullah Bhat who was entrusted with the prosecution of the case through his role as an attorney holder of appellants No. 2 to 4 and that created a communication gap.

7. For the reasons set out in the application for condonation of delay, the same is allowed, as otherwise the applicants should not be left non-suited in their cause, that too at the appellate stage.
8. For the same reasons, the application for restoration bearing CM No. 5105/2025 is also allowed, and the appeal is restored to its original number.
9. The applications are accordingly disposed of.
10. List RFA No. 34/2019 on **03.09.2025**.

**(RAHUL BHARTI)**  
**JUDGE**

**SRINAGAR:**

12.08.2025

"Mir Arif"