



Sr.No. 6 2018:KLHC-JMU:1859

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

APAA No. 6/2014
CM Nos. 3461/2022,
7252/2021 & 992/2020
In
APAA No. 5/2014
CM nos. 3472/2022,
8480/2021 & 995/2020

StatePetitioner/Appellant(s)

Through :- Mr. Amit Gupta, AAG

V/s

M/s Bhatia Builders and anrRespondent(s)

Through :- Mr. R.K. Bhatia, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
29.09.2022

APAA No. 6/2014

In terms of an order dated 24.3.2022, the Single Bench of Court while dealing with the matter had come to condone the delay in CM no. 739/2020 in the matter of filing restoration application with respect to a miscellaneous appeal, which was dismissed in default vide order dated 26.11.2018. Para 18 of the order dated 24.3.2022 reads as under:

“In view of the aforesaid, this application is allowed and delay of 398 days in filing the restoration application is condoned, subject to a cost of Rs. 10,000/- to be paid by the applicant to the other side.”

The appellant came to tender the payment of cost through Demand Draft before the Registrar Judicial of this Court, who registered his inability to



accept the Demand Draft from the appellant's end on the count that in the order dated 24.03.2022, there is no direction unto him for accepting the deposit of costs through the mode of Demand Draft.

CM no. 3461/2022 came to be filed by the appellant for seeking needful direction from this Court for the purpose of depositing the cost of Rs. 10,000/- as ordered by this Court vide order dated 24.03.2022 with Registrar Judicial, Jammu by mode of Demand Draft as mentioned in the said application.

Mr. R.K. Bhatia, learned counsel for the respondents submits that the intent of the direction quoted above was that the payment of cost of Rs. 10,000/- was a pre-condition for restoration of the appeal by the appellant. Given the fact that Mr. R.K. Bhatia, Advocate is maintaining his objection in a very pressing manner as such this Court reckons that it amounts to review of the direction of the Court of the Single Bench as imparted in order dated 24.3.2022 and as such, the matter needs to be considered by the same Hon'ble Judge passing order dated 24.03.2022.

For posting the matter before the same Bench, direction from the Hon'ble Chief Justice be availed by the Registrar Judicial, Jammu.

APAA No. 5/2014

In terms of an order dated 24.3.2022, the Single Bench of Court while dealing with the matter had come to condone the delay in CM no. 741/2020 in the matter of filing restoration application with respect to a miscellaneous appeal, which was dismissed in default vide order dated 26.11.2018. Para 18 of the order dated 24.3.2022 reads as under:

“In view of the aforesaid, this application is allowed and delay of 398 days in filing the restoration application is condoned,



subject to a cost of Rs. 10,000/- to be paid by the applicant to the other side.”

The appellant came to tender the payment of cost through Demand Draft before the Registrar Judicial of this Court, who registered his inability to accept the Demand Draft from the appellant's end on the count that in the order dated 24.03.2022, there is no direction unto him for accepting the deposit of costs through the mode of Demand Draft.

CM no. 3472/2022 came to be filed by the appellant for seeking needful direction from this Court for the purpose of depositing the cost of Rs. 10,000/- as ordered by this Court vide order dated 24.03.2022 with Registrar Judicial, Jammu by mode of Demand Draft as mentioned in the said application.

Mr. R.K. Bhatia, learned counsel for the respondents submits that the intent of the direction quoted above was that the payment of cost of Rs. 10,000/- was a pre-condition for restoration of the appeal by the appellant. Given the fact that Mr. R.K. Bhatia, Advocate is maintaining his objection in a very pressing manner as such this Court reckons that it amounts to review of the direction of the Court of the Single Bench as imparted in order dated 24.3.2022 and as such, the matter needs to be considered by the same Hon'ble Judge passing order dated 24.03.2022.

For posting the matter before the same Bench, direction from the Hon'ble Chief Justice be availed by the Registrar Judicial, Jammu.

(Rahul Bharti)
Judge

JAMMU
29.09.2022
NARESH