



Sr. No.183

2023:JKLHC-JMU:2677

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

CM No. 2367/2023 in
RFA No. 14/2020

Union of India

....Petitioner(s)/Appellant(s)

Through :- Mr. Vishal Sharma, DSGI
Mr. Eishaan Dadhichi, GA

V/s

Zamindaran Khari and others

....Respondent(s)

Through :- Mr. Bari Abdullah, Advocate

Coram: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
20.04.2023

CM No. 2367/2023

The instant application has been filed by the applicant/appellant seeking restoration of the appeal, i.e, RFA No. 14/2020 to its original number, which was dismissed in default for non prosecution on 13.04.2023.

Notice.

Mr. Bari Abdullah, learned counsel accepts notice on behalf of respondents. Mr. Abdullah submits that the respondents have already applied for release of the amount which was deposited by the appellant before the Registry and kept in fixed deposit and when the process was initiated for release of the said amount, the same has been credited into the Bank account of the Registry of this Court. He further submits that he would have no objection in case the appeal is restored, however, he also submits that 70% of the amount deposited by the appellant may be released in favour of the respondents, to which learned counsel for the appellant submits that he has no objection.

In view of the submissions made by learned counsel for the parties and the grounds taken in this application, this application is allowed. The appeal i.e,



RFA No. 14/2020 is restored to its original number. It is also ordered that the Registry shall release 70% of the amount deposited by the appellant, in favour of the respondents in equal proportion, after their proper identification and verification, subject to an undertaking to the effect that in case the respondents fail in the appeal they would reimburse the amount so released along with interest @ 6% per annum. The balance amount shall be kept in the fixed deposit.

Application stands disposed of.

List the main appeal for consideration on 09.05.2023.



(Vinod Chatterji Koul)
Judge

Jammu:
20.04.2023
Pawan Angotra