



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

CM No. 984/2023 &
CM No. 985/2023 in
SWP No. 2189/2010

Jyoti Devi

.....Petitioner(s)

Through: Mr. Ankesh Chandel, Advocate

Vs

State of J&K and others

.....Respondent(s)

Through: Mr. Raman Sharma, AAG for R- 1 to 4.

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

ORDER
28.03.2023

Writ petition SWP no. 2189/2010 came to be dismissed for non-prosecution in terms of an order dated 28.10.2022. Application for restoration came to be filed beyond period of limitation suffering delay of some 85 days. The cause cited in the application for condonation of delay as well as in the restoration application on the part of the petitioner attending the dismissal of the writ petition is that the counsel representing the petitioner came to be elevated to become Judge of this Court, as a result whereof the petitioner remained uninformed about the development and further on account of the Covid-19 restrictions with respect to the entry of the litigants in the Court premises, the petitioner was not able to make herself available to attend the dates of hearing in the case which went unattended by the counsel.



The order of dismissal in default of the writ petition had taken place in the presence of the learned counsel for the respondents.

Given the nature of the cause set up in the application for condonation of delay as well as the in the restoration application, the interest of justice calls for restoring the writ petition by setting aside the order of dismissal of the writ petition and that is not going to cause any prejudice to the non-applicants in any manner whatsoever.

Thus, both the applications are allowed. Writ petition SWP no. 2189/2010 is restored to its original number.

Petitioner to furnish registered postal cover for service of the respondent no. 5 within a period of seven days, whereupon the Registrar Judicial, Jammu to issue notice to the respondent no. 5 for her appearance in the writ petition.

Application is, accordingly, ***disposed of***.

List SWP no. 2189/2010 on 08.05.2023.

(Rahul Bharti)
Judge

Jammu
28.03.2023
Muneesh