



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

CM No. 4888/2022 in
CDSLW No. 61/2018

Anam Azad

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

Through :- Mr. R.P. Sharma, Advocate.

V/s

State and Ors.

....Respondent(s)

Through :- None.

**Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE.**

**ORDER
28.04.2023.**

Despite last and final opportunity of four weeks availed by the respondents, objections to the application for condonation of delay have not been filed. Right to file objections is, therefore, closed.

In the application, it is pleaded that *CDSLW No. 61/2018* seeking condonation of delay in filing Letter Patent Appeal was dismissed by this Court for non-prosecution on 22.02.2019 but the applicant came to know about it only in the month of July, 2022 when she approached her counsel to get the information about her pending case.

It is submitted that immediately after being informed that the application has been dismissed for non- prosecution, steps were taken to obtain the certified copy of the order of dismissal and application was moved for restoration of the application along with an application of condonation of delay. For seeking condonation of delay, apart from the plea of outbreak of Covid-19



and its after effects since March 2020 to Feb 2022, a plea that since the applicant lives about 250 Km away from the seat of Hon'ble High Court of J&K, at Jammu and, therefore, she could not appear in the matter on each and every date of hearing, is also taken. It is further pleaded that due to her advocate's missing to notice the listing of the matter, the application for condonation of delay along with appeal was dismissed for non-prosecution.

Having regard to the cause shown by learned counsel for the applicant and taking note of the fact that the respondents have not objected the application for condonation of delay by filing any objections as also in the larger interest of justice, we are inclined to condone the delay in filing the restoration application.

The application is, accordingly, **allowed** and delay in filing restoration application is condoned, subject to the payment of Rs 5000/- as costs to be deposited in the Advocate's Welfare Fund.

(Rajesh Sekhri)
Judge

(Sanjeev Kumar)
Judge

Jammu:
28.04.2023.
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