

**THE COURT OF FINANCIAL COMMISSIONER REVENUE**  
**[APPELLATE AUTHORITY UNDER J&K MIGRANTS IMMOVABLE PROPERTY**  
**(PRESERVATION, PROTECTION AND RESTRAINT ON DISTRESS SALES) ACT, 1997]**  
**JAMMU AND KASHMIR AT JAMMU**

<u>FILE NO.</u>	<u>DATE OF INSTITUTION</u>	<u>DATE OF DECISION</u>
<b>397/FC-AP</b>	<b>19.11.2014</b>	<b>26.08.2015</b>

- 1) HARDINATH S/O JANARDAN RAINA R/O VILLAGE ARREH, TEHSIL AND DISTRICT KULGAM, A/P BANTALAB, DURGA NAGAR, JAMMU;
- 2) PAYARALAL S/O -----DO-----;
- 3) ABASS AHMED GANI S/O GHULAM HASSAN GHANI R/O VILLAGE ARREH, TEHSIL AND DISTRICT KULGAM. **(APPELLANTS)**

**VERSUS**

- 1) STATE OF J&K THROUGH COMMISSIONER/SECRETARY TO GOVERNMENT, DEPARTMENT OF REVENUE;
- 2) STATE OF J&K THROUGH THE DEPUTY COMMISSIONER, KULGAM;
- 3) TEHSILDAR KULGAM;
- 4) BATNI @ PRABHAWATI PANDIT (D/O GOPAL) W/O JIA LAL R/O VILLAGE ARREH, TEHSIL AND DISTRICT KULGAM, A/P SURYAVANSHI NAGAR, LOWER ROOP NAGAR, JAMMU;
- 5) ROOPA DEVI @ MEENAWATI PANDIT (D/O LATE GOPAL) W/O PREMNATH PANDIT R/O VILLAGE ARREH, TEHSIL AND DISTRICT KULGAM, A/P SURYAVANSHI NAGAR, LOWER ROOP NAGAR, JAMMU;
- 6) ABDUL HAMID GANI S/O MOHAMMAD ISMAIL GANI R/O VILLAGE ARREH, TEHSIL AND DISTRICT KULGAM. **(RESPONDENTS)**

In the matter of:

**Appeal against the order dated 15.10.2014 passed by the Deputy Commissioner, Kulgam by virtue of which he has issued eviction orders against the appellant No. 3 with the prayer to set aside the**

**same and also the report of the respondent No. 2 on the basis of which the said eviction order is passed.**

For Appellant --- Advocate Bari Abdullah Malik  
For Respondent Nos. 4, 5 & 6 --- Advocate Varun Kotwal

**ORDER**

- 1) The present appeal has been filed against the order dated 15.10.2014 passed by the Deputy Commissioner, Kulgam under the provisions of the Jammu and Kashmir Migrants Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997. Initially, the respondents were summoned and they filed detailed written objections in the matter. However, the circumstances demand that prior to going into the merits of the case, the application for condonation of delay is disposed of in light of the rather strict provision of limitation provided for under the J&K Migrants Act. It has been observed that the current appeal was filed on 19.11.2014 whileas the impugned order was passed on 15.10.2014, after a lapse of one month and four days. Technically, an appeal under the said Act can only be filed before this court within a period of 15 days and the time taken by the appellants far surpasses this period.
- 2) Hence, this court holds that the appeal is time barred and can't be entertained. Accordingly, the application for condonation of delay is dismissed. Consequently, the appeal is dismissed. No costs. Interim directions, if any, in the matter shall stand vacated. The case file be relegated to records after due completion.

**Sd/-  
(Dr. Arun Kumar) IAS  
Financial Commissioner Revenue  
(Commissioner Agrarian Reforms)  
Jammu and Kashmir, Jammu**

Announced today on this the **26<sup>th</sup> day of August, 2015** under my hand and seal of this Court.