

**THE COURT OF FINANCIAL COMMISSIONER REVENUE  
(COMMISSIONER AGRARIAN REFORMS)  
JAMMU AND KASHMIR AT JAMMU**

<u>FILE NO.</u>	<u>DATE OF INSTITUTION</u>	<u>DATE OF DECISION</u>
<b>457/FC-ARC/AP</b>	<b>18.12.2013</b>	<b>23.12.2014</b>

- 1) SANJEEV KUMAR S/O LATE BHOLLA NATH R/O VILLAGE PARHLADPUR, TEHSIL AND DISTRICT JAMMU;
- 2) SATYA DEVI W/O -----DO-----;
- 3) SEEMA DEVI D/O -----DO-----;
- 4) VEENA DEVI D/O -----DO-----;
- 5) RAJNI DEVI D/O -----DO-----.

**(APPELLANTS)**

**VERSUS**

- 1) SATISH KUMAR S/O CHAJJU BHAGAT R/O GURUDWARA, SUNDER SINGH ROAD, JAMMU;
- 2) RAVINDER KUMAR S/O -----DO-----;
- 3) RAVI KUMAR S/O -----DO-----;
- 4) TEHSILDAR SETTLEMENT JAMMU.

**(RESPONDENTS)**

In the matter of:

**A) Appeal against order dated 23.02.2011 passed on mutation No. 510 attested under Sec. 7 of the Agrarian Reforms Act, 1976;**

**B) Application for taking cognizance of the order dated 15.06.2013 passed by the court of the Joint Commissioner Agrarian Reforms, Jammu whereby the above titled appeal has been dismissed in default.**

For Applicants/Appellants --- Advocate B.L.Kalgotra

For Non Applicants/Respondents --- Advocate Ashok Gupta

## J U D G E M E N T

- 1) Briefly stated, the facts of the case are that the applicants herein had filed the above stated appeal before the court of the Joint Commissioner Agrarian Reforms, Jammu. On 15.06.2013, the court below observed that the appellants are not interested in pursuing the case and are just lingering on the issue under the garb of Status Quo Order. Keeping in view the conduct of the appellants, it dismissed the appeal in default.
- 2) Aggrieved, the appellants have filed the instant application for the restoration of the said appeal with the further prayer to issue status quo order in the matter. This court has gone through the case file of this court as well as that of the court below. It has been noted that the said appeal was dismissed in default on 15.06.2013 and the present application was filed on 18.12.2013 after an expiry of almost 06 months. The applicant/appellant No. 1 submits that he had met with an accident and remained confined for several months. However, he has given no evidence in support of his contention. Moreover, this court observes that no sufficient cause has been shown as to why the application for restoration was not preferred in time. The application has been filed after a lapse of significant time and there is no reason or sufficient cause shown as to what steps were taken by the applicants/appellants during the lapsed period. It was definitely the duty of the applicants/appellants to show to this court the consumption of the lapsed time in a chained manner; rather they blandly requested for the issuance of the order of Status Quo/Stay.
- 3) Moreover, the phrase **“Sufficient Cause”** pertains to the establishment of the appropriate facts before a court to which it may apply its mind and arrive at a conclusion as to whether the cause is so sufficient as to make the applicants unable to prefer the application in time. Here, the applicants have not been able to establish any such facts and therefore, the application for restoration is liable to be dismissed.

4) Thus, for the reasons aforesaid, the application for restoration is dismissed. However, the applicants/appellants are at liberty to file a subsequent review petition in case they are able to show the sufficient cause for the delay. No costs. Interim directions, if any, shall stand vacated. Case file be relegated to record after due completion.

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

Announced today on this the **23<sup>rd</sup> day of**  
**December, 2014** under my hand and Seal  
of this Court.