

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.14124 OF 2024  
(Arising out of SLP(C)No.4607 of 2021)

UNIVERSITY OF JAMMU THROUGH ITS REGISTRAR

... APPELLANT

Versus

ZAMINDARAB SUNGLI & ORS.

... RESPONDENTS

O R D E R

1. Leave granted.

2. The Reference Court-cum-District Judge, Bhadarwah, passed an Award dated 22.12.2017, in File No.14/Reference, under Section 18 of the J&K Land Acquisition Act, 1990. The State had acquired the land measuring 337 kanals 06 marlas for the appellant-University for establishment of its campus at Sungli, Tehsil Bhadarwah.

3. The University - being beneficiary of the acquisition was aggrieved by the different rates of compensation for different parcels of land broadly at the rate of Rs.3,00,000/- (Rupees Three Lakhs) per kanal and hence it decided to file First Appeal before the High Court. There was a delay of 61 days in filing the appeal. The High Court, vide the impugned order dated 02.03.2021, has declined to condone the delay of 61 days, giving rise to these proceedings.

4. We have heard learned counsel for the parties and carefully perused the record.

5. It may be true that the appellant-University has not mentioned

the specific date when it came to know about the impugned Award etc. but keeping in view the fact that the delay was of 61 days only, the High Court ought to have adopted a liberal and pragmatic approach. It was not a case where the rights stood fructified in such a manner that condoning of delay would lead to re-opening of the settled issues. In a given case, the opposite party can be adequately compensated with costs also.

6. For the reasons aforesaid, we allow this appeal; set aside the impugned order dated 02.03.2021 of the High Court; allowed the application of the appellant-University for condonation of delay of 61 days, subject to payment of cost of Rs.1,000/- (Rupees One Thousand) to each respondent.

7. Since the acquisition pertains to the year 2006-2007, we request the High Court to take up the First Appeal, preferred by the University, for early and out of turn adjudication.

8. It goes without saying that we have not expressed any opinion on the merits of the case.

9. The parties are directed to appear before the High Court on 17.12.2024.

10. As a result, the pending interlocutory applications also stand disposed of.

.....J.  
(SURYA KANT)

.....J.  
(MANMOHAN)

NEW DELHI;  
DECEMBER 09, 2024.

ITEM NO.27

COURT NO.3

SECTION XII-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).4607/2021

[Arising out of impugned final judgment and order dated 02-03-2021 in CONC No.119/2018 passed by the High Court of Jammu & Kashmir and Ladakh at Jammu]

UNIVERSITY OF JAMMU

Petitioner(s)

VERSUS

ZAMINDARAB SUNGLI &amp; ORS.

Respondent(s)

IA No.40023/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No.261324/2024 - STAY APPLICATION

Date : 09-12-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) Mr. Rishabh Sancheti, Adv.  
 Ms. Padma Priya, Adv.  
 Mr. K. Paari Vendhan, AOR

For Respondent(s) Mr. Sahil Tagotra, AOR  
 Mr. Ajay Kotwal, Adv.  
 Mr. Sujay Jain, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

The parties are directed to appear before the High Court on 17.12.2024.

As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)  
 ADDITIONAL REGISTRAR

(PREETHI T.C.)  
 ASSISTANT REGISTRAR

(Signed order is placed on the file)

