

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Restoration Application No. 185/2025

CNR: RJHC010331582025

URN: CRES / 298U / 2025

Patashi Spouse/o Mala Ram, Aged About 83 Years, Dhanapa,
Tehsil Merta, District Nagaur (Rajasthan)

----Petitioner

Versus

1. Pappudi Spouse/o Mula Ram, Dhanapa, Tehsil Merta,
District Nagaur.
2. Tehsildar, Revenue Merta
3. Patwari, Halka, Dhanapa, Tehsil Merta, District Nagaur
4. Ram Prakash S/o Hadman Ram, Pundlu, Tehsil Merta,
District Nagaur
5. Lrs Of Heera Ram, Pundlu, Tehsil Merta, District Nagaur
6. Ram Niwas S/o Mangu Ram, Pundlu, Tehsil Merta, District
Nagaur
7. Sita Ram S/o Teja Ram, Pundlu, Tehsil Merta, District
Nagaur
8. Ram Niwas S/o Mangu Ram, Pundlu, Tehsil Merta, District
Nagaur
9. Naina Ram S/o Mana Ram, Gotan, Tehsil Merta, District
Nagaur
10. Smt. Chuki Devi W/o Late Heera Ram, Pundlu, Tehsil
Merta, Distt. Nagaur.
11. Pradeep S/o Late Heera Ram, Pundlu, Tehsil Merta, Distt.
Nagaur.
12. Lalita D/o Late Heera Ram, Pundlu, Tehsil Merta, Distt.
Nagaur.

----Respondents

For Petitioner(s) : Mr. B.L. Choudhary

For Respondent(s) : None present

HON'BLE MR. JUSTICE FARJAND ALI

Order

07/07/2026

1. Heard learned counsel for the appellant. Perused the material available on record.
2. The present restoration application has been preferred under Order XLI Rule 19 read with Section 151 CPC seeking restoration of S.B. Civil First Appeal No.262/2022, which came to be dismissed on 23.05.2023 on account of non-compliance of the order dated 20.03.2023 whereby the appellant was directed to take steps in respect of deceased respondent No.5.
3. Along with the restoration application, an application under Section 5 of the Limitation Act has also been filed seeking condonation of delay of 644 days in preferring the restoration application.
4. It is averred that the appellant is an aged lady of about 83 years, illiterate and *pardanasheen*. On 20.03.2023, the matter could not be attended as the advocates were on strike. It has further been pleaded that despite the dismissal of the appeal on 23.05.2023, the online case status continued to reflect the appeal as pending and, therefore, the appellant as well as her counsel remained under a bona fide impression that the appeal was still pending. It has also been stated that the fact regarding dismissal of the appeal came to the knowledge of the counsel only in February, 2025 upon making enquiry from the Registry, whereafter the present applications have been filed without any further avoidable delay.

5. Having considered the explanation furnished in the application under Section 5 of the Limitation Act, this Court is satisfied that sufficient cause has been shown for not filing the restoration application within the prescribed period. The delay does not appear to be deliberate or intentional. Accordingly, the application under Section 5 of the Limitation Act deserves to be and is hereby allowed. The delay in filing the restoration application stands condoned.

6. So far as the restoration application is concerned, the appeal was dismissed for non-prosecution/non-compliance and not on merits. In the facts and circumstances noticed above, particularly keeping in view the age of the appellant and the explanation furnished, this Court finds that sufficient cause has been made out for restoration of the appeal. No prejudice would be caused to the respondents if the matter is restored and decided on merits, whereas refusal to restore the appeal may result in denial of an opportunity to have the controversy adjudicated on merits.

7. Consequently, the restoration application is allowed. The order dated 23.05.2023 dismissing S.B. Civil First Appeal No.262/2022 is recalled. The appeal shall stand restored to its original number.

8. Office is directed to register the appeal at its original number and list the same before the appropriate Bench in accordance with law.

(FARJAND ALI),J