

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

S.B. Civil First Appeal No. 813/2025

1. Smt. Kamla Devi W/o Rameshchandra, Aged About 51 Years, R/o 724, Dilip Nagar, Lal Sagar, Mandor, Jodhpur, (Raj)
2. Rameshchandra S/o Kishanlal, Aged About 56 Years, R/o 724, Dilip Nagar, Lal Sagar, Mandor, Jodhpur (Raj)

----Appellants

Versus

Jagdish Panwar S/o Gopikishan Panwar, Aged About 70 Years, R/o 52, Narsingh Vihar, Lal Sagar, Mandor, Jodhpur, (Raj)

----Respondent

For Appellant(s)	:	Mr. Jayant Dangi
For Respondent(s)	:	Mr. R.K. Thanvi, Sr. Adv. Assisted by Mr. Mahendra Thanvi

HON'BLE MS. JUSTICE REKHA BORANA

Order

06/03/2026

1. Learned counsel for the appellants submits that the learned Trial Court erroneously decided Issue No.4 against the defendants whereas it was evident on record that application dated 10.09.2018, even if concluded to be an acknowledgment, was not within the limitation period.
2. Counsel submits that the cause of action, whatsoever, arose to the plaintiff in the year 2015 and to be specific, in the month of July 2015 when the notice for specific performance of the contract was served on the defendants. The alleged acknowledgment is of 10.09.2018 i.e. after a period of three years of the said cause of action. Therefore, the alleged acknowledgment would be of no consequence.

3. In *J.C. Budhraja Vs. Chairman, Orissa Mining Corporation Ltd. & Anr.*; (2008) 2 SCC 444, the Hon'ble Apex Court held that only a subsisting liability can be acknowledged. An acknowledgment cannot extend limitation for a time-barred liability.
4. In view of the submissions made and in view of the above ratio, Admit. Issue notice.
5. Notices need not be issued as the respondent is already served.
6. Heard on stay petition.
7. The effect, operation and execution of judgment & decree dated 15.04.2025 passed by District Judge, Jodhpur Metropolitan, Jodhpur shall remain stayed till the next date.
8. List the matter on 20.04.2026.

(REKHA BORANA),J