

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil First Appeal No. 941/2025

Deva

----Appellant

Versus

Smt. Pramila Patwa

----Respondent

For Appellant(s)	:	Mr. Muktesh Maheshwari Mr. Dinesh Godara
For Respondent(s)	:	Mr. Shreyansh Rathi for Mr. Nishit Shah

HON'BLE MR. JUSTICE FARJAND ALI

Order

05/05/2026

1. The matter comes up on an application (IA No.1/26) for early listing of the case.
2. For the reasons stated in the application, the same is allowed.
3. Upon appearance of learned counsel for the respondent on 28.08.2025, time was granted to file reply to the application filed under Section 5 of the Limitation Act as well as to the stay application. Thereafter, the matter was listed on several occasions but was adjourned for one reason or another; however, no reply has been filed explaining as to why the delay may not be condoned.
4. Thus, being constrained by the circumstances, this Court has heard learned counsel for the petitioner on the application under Section 5 of the Limitation Act.
5. The plea taken by the applicant that the counsel engaged by him did not inform him about the judgment and that he came

to know of the same only upon receipt of notice in execution proceedings carries force. Moreover, the said plea has not been rebutted by learned counsel for the respondent.

6. For the reasons stated in the application, the same is allowed. The delay occasioned in filing the civil first appeal is hereby condoned, and the appeal shall be treated within limitation.
7. Admit.
8. Call for the record. Requisition be given '*dasti*'. An email shall additionally be sent to the learned trial Court for transmission of the record.
9. List the matter on 15.05.2026.
10. Interim order shall continue till then.

(FARJAND ALI),J