


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3532/2026

Pushpa Bai, Wife Of Kanhaji, (Deceased)

----Petitioner

Versus

Smt. Dakha Bai & Ors.

----Respondents

For Petitioner(s) : Mr. Govind Lal Choudhary

For Respondent(s) :

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

12/03/2026

The present writ petition has been filed by the petitioner being aggrieved of the order dated 12.09.2025 passed by learned Board of Revenue in Revision Petition No.LR/2377/2024/Kota, vide which the revision filed by the respondents No.1 to 10 has been allowed and the order passed by District Collector, Kota, dated 12.03.2024, has been set aside, as a consequence of which the appeal preferred by legal heirs of deceased Pushpa Bai has been dismissed as abated.

Learned counsel for the petitioner, Mr. Govind Lal Choudhary, submits that the grandmother of the petitioner expired on 10.01.2023 and an application for taking legal heirs on record was filed on 09.06.2023. However, solely on the ground that no separate application under Section 5 of the Limitation Act, 1963, seeking condonation of the delay in filing the application for taking LRs on record was filed, the learned Board of Revenue has rejected the application for taking legal heirs on record.

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in the case of **Sesh Nath Singh and Another Vs. Baidyabati Shoeraphuli Co-operative Bank Ltd. and Another** reported in **(2021) 7 SCC 313**. Para 62 of which reads as under:-

"62. A plain reading of Section 5 of the Limitation Act makes it amply clear that, it is not mandatory to file an application in writing before relief can be granted under the said section. Had such an application been mandatory, Section 5 of the Limitation Act would have expressly provided so. Section 5 would then have read that the court might condone delay beyond the time prescribed by limitation for filing an application or appeal, if on consideration of the application of the appellant or the applicant, as the case may be, for condonation of delay, the court is satisfied that the appellant applicant had sufficient cause for not preferring the appeal or making the application within such period. Alternatively, a proviso or an Explanation would have been added to Section 5, requiring the appellant or the applicant, as the case may be, to make an application for condonation of delay. However, the court can always insist that an application or an affidavit showing cause for the delay be filed. No applicant or appellant can claim condonation of delay under Section 5 of the Limitation Act as of right, without making an application."

Learned counsel also submits that sufficient cause was explained by the applicants in paras 3 and 4 of the application for taking legal heirs on record itself.

Taking note of the above, issue notices to the respondents, returnable within six weeks. Notices may also be sent through registered post in addition to normal process.

Notices also be given *dasti* to learned counsel for the petitioner.

In the meanwhile and till further orders, the effect and operation of the order dated 12.09.2025 shall remain stayed and the parties are directed to maintain status quo *qua* the land

bearing Khasra Nos. 350 admeasuring 3.73 hectare, Khasra No.210/558 admeasuring 0.02 hectare, Khasra No.210/559 admeasuring 0.01 hectare, Khasra No.223 admeasuring 0.92 hectare, Khasra No.383 admeasuring 2.47 hectare and Khasra No.390 admeasuring 3.09 hectare situated at Village Sogriya, Tehsil Ladpura, District Kota.

List this matter along with S.B. Civil Writ Petition No. 2583/2026.

(ANUROOP SINGHI),J