

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Miscellaneous Application No. 70/2026

Orlando Fernandes Son Of Shri Augustin Fernandes, Resident Of House No. 517/28, Goa Colony, Bhajanganj, Ajmer, Presently Resident Of Shivshakti Nagar, Dholabhata Gaon Road, Dholabhata, Ajmer.

----Non-Applicant No. 3

Versus

1. Alimuddin Son Of Shri Basruddin, Resident Of 5/116, Andarkot, Ajmer.

----Applicant

2. Shyam Sunder Tapadia Son Of Shri Kanhaiyalal Tapadia, Resident Of A-24, Chandravardai Nagar, Ajmer.

3. Heeranand Son Of Shri Mahadev Mal Malkani, Resident Of 17/91, Nala Bazar, Ajmer (Since Deceased).

4. Jasbinder Singh Son Of Shri Rajinder Singh, Resident Of A-660, Chandravardari Nagar, Ajmer.

----Non-Applicant Nos. 1,2 & 4

For Petitioner(s) : Mr. Alok Chaturvedi
Ms. Vedika
Mr. Bhawani Shankar

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA
Judgment / Order

16/03/2026

1. The present miscellaneous application has been filed seeking correction of the order dated 30.01.2026 passed in S.B. Civil Restoration Application No 39/2026.

2. Learned counsel for the petitioner submits that inadvertently, instead of the words 'Civil Miscellaneous Appeal', the words 'writ petition' have been reflected in Para Nos. 1, 4 and 5 of the order dated 30.01.2026.

3. For the reasons mentioned in the application, the same is allowed. Accordingly, in Para Nos. 1, 4 and 5 of the order dated

30.01.2026, the words 'writ petition' shall be read as 'Civil Miscellaneous Appeal.'

4. Learned counsel for the petitioner further contends that in the order dated 30.01.2026, it has been mentioned that the Civil Miscellaneous Appeal was dismissed for not curing the defects.

5. However, in fact, the Civil Miscellaneous Appeal was dismissed for non-compliance of the order dated 08.10.2025.

6. For the reasons stated in the application, the same is allowed.

7. It is clarified that the reason for dismissal of the appeal shall be read as non-compliance of the order dated 08.10.2025, which occurred due to circumstances beyond the control of the petitioner, and not for non-curing of the defects.

8. It is further directed that the petitioner shall comply with the order dated 08.10.2025 within a period of two weeks from today and shall also comply with the direction regarding payment of costs, as already ordered vide order dated 30.01.2026.

9. In case the cost is deposited and the order dated 08.10.2025 is complied with within the aforesaid period of two weeks, the Civil Miscellaneous Appeal shall stand restored to its original number.

10. With the above observations and directions, the present application stands disposed of.

11. This order shall form an integral part of the order dated 30.01.2026.

(BIPIN GUPTA),J