

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6935/2026

M.B. Jewellers And Sons

-----Petitioner

Versus

M/s. Kothyari Diamond Industries Pvt. Ltd., & Anr.

-----Respondents

For Petitioner(s) : Mr. R.K. Daga

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

05/05/2026

1. While impugning the order dated 15.01.2026 passed by the learned Rent Tribunal No. 1 (Additional Senior Civil Judge and Chief Judicial Magistrate No. 1), Jaipur Metropolitan-I, Jaipur, in Execution Petition No. 30/2024 titled '*M/s. Kothyari Diamond Industries Pvt. Ltd. vs. Prarabdh International*', whereby the restoration application dated 03.11.2025 filed by the petitioner under Order 9 Rule 9 of the CPC (wrongly mentioned as Order 9 Rule 7 of the CPC) read with Section 5 of the Limitation Act, 1963, was dismissed, learned counsel for the petitioner submits that the learned Court below arbitrarily dismissed the petitioner's application on the ground of it being barred by limitation despite explaining the reasons for the delay so caused. He further submits that the petitioner was prevented by sufficient cause in terms of Section 5 of the Limitation Act, 1963. He, therefore, submits that the learned Court below ought not to have dismissed the petitioner's application as being barred by limitation, thereby

consequently dismissing the restoration application, and prays for setting aside the impugned order dated 15.01.2026.

2. Heard.

3. In view of the above, issue notice to the respondent No.1, returnable within two weeks.

4. Requisite PF and notices may be filed in two sets within a period of one week, and upon filing the same, one set will be sent by ordinary post and another by registered post.

(MANEESH SHARMA),J