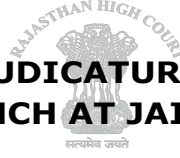




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Miscellaneous Appeal No. 1964/2026

Vishram Dutt S/o Late Shri Bala Baksh, Aged About 68 Years,
Resident Of Village Haldina, Tehsil Malakhera, District Alwar.

----Appellant

Versus

1. Smt. Pushpa Devi W/o Shri Bijendra Kumar, D/o Late Shri Brahmanand, R/o 216, South West Block, Alwar.
2. Smt. Lakshmi Devi Widow Of Ramcharan, R/o Village Haldina, Tehsil And District Alwar.

----Respondents

For Appellant(s)	:	Mr. Mohit Gupta
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

08/05/2026

1. The present appeal has been filed on behalf of the appellant under Section 384 of the Indian Succession Act, 1925 against the order dated 20.08.1993 passed by learned District and Sessions Court, Alwar in Civil Misc. Application No.316/90 titled as '*Smt. Pushpa Devi vs. Smt. Lakshmi Devi*', whereby the application filed under Section 372 of the Indian Succession Act, 1925 by the respondent No.1 was allowed and a succession certificate in respect of the bank account of the deceased-*Prabhudayal* containing an amount of Rs.42,300/- was issued in favour of respondent No.1, who was declared lawful successor of the deceased-*Prabhudayal*.

2. The present appeal has been filed on behalf of the appellant after an inordinate delay of 11,828 days.



3. The learned counsel for the appellant submits that the appellant was prevented by sufficient cause as after the rejection of the appeal filed before the Board of Revenue vide order dated 22.01.2026, when appellant approached advocate in Rajasthan High Court to challenge the order dated 22.01.2026, this fact was brought to the knowledge by their High Court Advocate. Therefore, the application for condonation of delay may kindly be allowed and delay of 11,828 days in filing the present appeal may kindly be condoned.

4. Heard on application filed under Section 5 of the Limitation Act, 1963 for condonation of delay.

5. From a bare perusal of the record of the case, it is revealed that the impugned order was passed on 20.08.1993 and the present appeal has been filed on 06.04.2026, without any justified reason, further the reason narrated in the application for condonation of delay is quite vague and general in nature and not based on any sufficient cause, therefore, in my considered opinion, I find no justifiable reason for condoning the delay of 11,828 days in filing the miscellaneous appeal.

6. The Hon'ble Supreme Court in ***Esha Bhattacharjee v. Committee of Raghunatpur Nafar Academy and others***¹ has held as under:

"21.8 (viii) There is a distinction between inordinate delay and a delay of short duration of a few days, for the former doctrine of prejudice is attracted, whereas to the latter it may not be attracted. That apart, the first one warrants a strict approach, whereas the second calls for a liberal delineation.

7. In view of the above legal proposition of law and facts stated above, the application under Section 5 of the Limitation Act for

¹(2013) 12 SCC 649



condonation of delay is hereby dismissed for want of any sufficient cause mentioned in the application.

8. Accordingly, the application under section 5 of the Limitation Act is dismissed as being devoid of merits.

9. The present civil miscellaneous appeal has also been dismissed.

10. Pending application(s), if any, stand(s) disposed of.

(MANEESH SHARMA),J