

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 1347/2025

Maniesh Devraj S/o Late Shri Ashok Sanghi and Anr.

-----Appellants

Versus

Smt. Krishna Devi W/o Late Shri Radhey Shyam and Ors.

-----Respondents

For Appellant(s)	:	Mr. R.N. Mathur, Sr. Adv. with Mr. Jayvardhan Joshi Ms. Neha Choudhary
For Respondent(s)	:	Mr. Vineet Mehta with Mr. Mudit Singhvi Ms. Priya

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

10/02/2026

1. Matter has come up on an application (I.A. No.1449/2025) filed by the appellant seeking condonation of delay of 260 days in filing the present first appeal.
2. The present appeal has been filed assailing the judgment and decree dated 31.07.2024, whereby the application filed under Order 7 Rule 11 CPC by respondent-defendant No.3 has been allowed and the suit for cancellation of sale deed, possession and permanent injunction filed by the appellants has been rejected being barred by law.
3. Being aggrieved of the judgment and decree dated 31.07.2024, the appellants preferred a review petition on 02.09.2024 bearing Review Petition No.10/2024 (NCV No.76/2024) before the District & Sessions Judge, Jaipur, and the

said review petition came to be dismissed vide order dated 19.04.2025.

4. Learned counsel for the appellant submits that from the record of the case, it is evident that the appellant had initially filed a review petition, assailing the impugned judgment and decree dated 31.07.2024, and after dismissal of review petition on 19.04.2025 appellant has filed present appeal, therefore, he prays that the delay in preferring the present first appeal may kindly be condoned as the appellant has sufficient cause for not filing the present appeal within 90 days from the date of the impugned judgment and decree dated 31.07.2024.

5. In order to buttress his contentions, the learned counsel for the appellant places reliance upon the judgment passed by the Hon'ble Supreme Court in the case of ***State of Manipur and Others Vs. All Manipur Regular Post Vacancies S.T.A and Others¹, State of Kerala & Ors. Vs. M.G. Presanna²*** and the judgment passed by the Divisional Bench of this Court in the matter of ***Shakuntala Devi Vs. Apollo Animal Medical Group Trust & Ors.³***

6. Per contra, learned counsel appearing for the respondents submits that Section 14 of the Limitation Act, 1963 is not applicable to the facts and circumstances of the present case. He further submits that the delay in filing the appeal is not *bona fide*. He also submits that since the impugned judgment and decree was passed on 31.07.2024 and the review petition was filed on

1 (1997) 10 SCC 385

2 (2011) 15 SCC 203

3 D.B. Special Appeal (writ) No. 1415/2019

02.09.2024, which was decided on 19.04.2025, thereafter, the present appeal was filed after considerable delay on 16.07.2025, therefore, the delay in filing the present appeal has not been properly explained and the application for condonation of delay lacks *bona fide* and does not provide a sufficient cause for condonation of delay. In support of his contentions, he relies upon the judgment passed by the Kerala High Court in case of **P.T. Babu Vs. Vijaya Bank and Ors.**⁴

7. Heard learned counsel for both the parties and perused the material available on record and the judgments relied upon by the learned counsel for the parties.

8. From the perusal of record, it is evident that the impugned judgment and decree was passed by the learned Court below on 31.07.2024, being aggrieved of which, the present appellants, at the first instance had filed the review petition No.10/2024 on 02.09.2024, which was decided on 19.04.2025. Thereafter, the appellant has preferred the present first appeal on 16.07.2025 within a period of 90 days from the date of the review petition order dated 19.04.2025.

9. Thus, the sequence of events shows that since the appellants at that point of time, opted to avail the remedy of filing the review petition, and during pendency of the said review petition, the appellant could not have file the present first appeal, and soon after the review petition was decided, the present appeal was filed within 90 days from the order passed in the review petition. The Hon'ble Supreme Court, in the matter of **State of Manipur and**

Others Vs. All Manipur Regular Post Vacancies S.T.A and Others (supra) in a case, wherein appellants have filed an appeal after exhausting the remedy of the review, has condoned such delay in filing of the appeal, and held the same as sufficient cause under Section 5 of the Limitation Act, 1963.

10. So far as, the judgment relied upon by learned Counsel for the respondents in the matter of ***P.T. Babu Vs. Vijaya Bank and Ors.*** (supra), even though there is no quarrel on the legal principle laid down therein, the issue involved in said case stands on a different footing, therefore, the same is distinguishable on facts.

11. Thus, having considered the entire facts and circumstances of the case, and in view of the fact that against the impugned judgment and decree dated 31.07.2024, initially, the review petition was filed on 02.09.2024, which was dismissed vide order dated 19.04.2025, and that the present first appeal was filed on 16.07.2025, the delay of 260 days in filing the present first appeal is hereby condoned.

12. List the matter after four weeks for admission.

(MANEESH SHARMA),J