

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Writ Miscellaneous Application No.554/2025

URN: WMAP / 1074U / 2025

In

S.B. Civil Writ Petition No.10712/2023

1. Sabuddin S/o Late Sh. Allanoor, Resident Of Village Kundera, Tehsil And District Sawaimadhopur, Rajasthan.
2. Abdul Rashid S/o Late Sh. Allanoor, Resident Of Village Kundera, Tehsil And District Sawaimadhopur, Rajasthan.
3. Makbool S/o Late Sh. Allanoor, Resident Of Village Kundera, Tehsil And District Sawaimadhopur, Rajasthan.
4. Gulab W/o Late Sh. Allanoor (Since Deceased), Resident Of Village Kundera, Tehsil And District Sawaimadhopur, Rajasthan.

-----Petitioners

Versus

Giriraj S/o Kalu, Resident Of Kundera, Tehsil And District Sawaimadhopur, Rajasthan.

-----Respondent

For Applicant(s)	:	Mr. Ankit Agarwal
For Respondent(s)	:	Mr. Vikas Kabra

JUSTICE ANOOP KUMAR DHAND

Order

15/07/2026

1. By way of filing the instant misc. application, a prayer has been made to recall the order dated 11.09.2025 passed by this Court, while deciding S.B. Civil Writ Petition No.10712/2023 submitted by the writ petitioners.
2. Learned counsel for the applicant-respondent submits that against the impugned order dated 04.11.2010 passed by the Revenue Appellate Authority (for short "RAA"), the aforesaid writ

petition was submitted before this Court and an argument was raised that the RAA has entertained a 44 years old time barred appeal against the order dated 29.07.1964 passed by the Sub-Divisional Officer (SDO). Learned counsel submits that an argument was also raised that no application under Section 5 of the Limitation Act was submitted with the aforesaid time barred appeal and without condoning the delay, the said appeal was allowed. Learned counsel submits that appreciating the above argument, the aforesaid writ petition was allowed and the impugned order passed by the RAA dated 04.11.2010 has been quashed and set-aside and the matter has been remitted to the RAA for deciding the appeal, on its merits, after passing appropriate orders on application filed under Section 5 of the Limitation Act, if any submitted.

3. Learned counsel submits that the aforesaid argument raised by the writ petitioners is factually incorrect and contrary to the record. He submits that an application under Section 5 of the Limitation Act was submitted with the appeal seeking condonation of delay in filing the appeal on 19.01.2008. Learned counsel submits that the said application was entertained and decided by the Appellate Authority vide impugned order dated 04.11.2010 when the main appeal was decided and the appeal was treated within the period of limitation. Learned counsel submits that, under these circumstances, delay in filing the appeal was condoned and the appeal was decided on its merits, hence, the impugned order dated 11.09.2025 passed by this Court is required to be recalled and the review petition submitted by the applicant be restored to its original number.

4. *Per contra*, learned counsel appearing for the writ petitioners opposed the arguments raised by learned counsel for the applicant and submitted that no order on the application submitted under Section 5 of the Limitation Act was passed by the Appellate Authority, as this fact was clear from the order sheets of the file of the appeal, hence, under these circumstances, this Court has appreciated this fact and the order dated 11.09.2025 has been passed. Learned counsel submits that no adverse order has been passed against the applicant, the matter has simply been remanded to the Appellate Authority to decide the appeal on its merits, after providing due opportunity of hearing to both sides. Hence, interference of this Court is not warranted and the review petition submitted by the applicant is liable to be rejected.

5. Heard and considered the submissions made at the Bar and perused the material available on record.

6. Considering the arguments put forward by learned counsel for the applicant and looking to the fact that the writ petition submitted by the writ petitioners has not been decided on its merits or demerits, but the same has been decided on a technical count that the time barred appeal submitted by the applicant was allowed without condoning the delay in filing the same. It was also observed by this Court that no application under Section 5 of the Limitation Act was submitted by the applicant seeking condonation of delay.

7. By way of filing the instant writ misc. application, now, this fact has been brought into the notice of this Court that the application under Section 5 of the Limitation Act was submitted along-with the time barred appeal on 19.01.2008, but this fact

was not brought into the notice of this Court by counsel appearing on behalf of the writ petitioners when the matter was argued, hence, under those circumstances, in ignorance of the aforesaid material aspect of the matter, the order dated 11.09.2025 has been passed.

8. Now, this fact has come into knowledge and picture of this Court that the application was filed under Section 5 of the Limitation Act, seeking condonation of delay and the delay was condoned while passing the impugned order dated 04.11.2010.

9. This Court deems it just and proper to recall the order dated 11.09.2025 passed by this Court and S.B. Civil Writ Petition No.10712/2023 is restored to its original number. Office is directed to proceed further in this matter.

10. With the aforesaid observations, the instant misc. application stands disposed of. All pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J