



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Restoration Application No. 448/2024

1. The State Of Rajasthan, Through Secretary, Finance Department, Government Of Rajasthan, Jaipur.
2. Inspector General, Registration And Stamps Department, Government Of Rajasthan, Ajmer (Raj.).
3. Sub Registrar, Registration And Stamps Department, Chitalwana

----Petitioners

Versus

1. Nava S/o Thana, Khirodi, Tehsil Sanchore, District Jalore.
2. Habib S/o Daadav, Umarmkot, Tehsil Sanchore, District Jalore.
3. Vali S/o Daadav, Umarmkot, Tehsil Sanchore, District Jalore.
4. Hajyani W/o Late Daadav, Umarmkot, Tehsil Sanchore, District Jalore.

----Respondents

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For Petitioner(s) : Mr. Anurag Jyani for  
Mr. Mahaveer Bishnoi  
For Respondent(s) : -

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**HON'BLE MR. JUSTICE FARJAND ALI**

**Order**

**12/05/2026**

1. An application (IA No.01/2024) for condonation of delay under Section 5 of the Limitation Act has been moved at the behest of the appellants, it is submitted that the impugned order was passed behind the back of the appellants, without their knowledge or opportunity of hearing, and consequently, they were unaware of the passing of the said order.
2. The law of limitation is essentially a rule of discipline, which mandates that an aggrieved party must challenge an order within



the time prescribed by law. However, this principle operates only in cases where the party had actual or constructive knowledge of the order. Where an order is passed against a person without notice or audience, the limitation would commence only from the date on which such person acquires knowledge of the order. Once it is demonstrated that the appellants approached the Court with reasonable promptitude upon gaining knowledge of the impugned order, the length of delay pales into insignificance. Justice cannot be allowed to be thwarted on technicalities when sufficient cause is shown.

3. In this view of the matter, the delay occasioned in filing the present restoration application stands satisfactorily explained.

4. Accordingly, the application under Section 5 of the Limitation Act is allowed, and the delay of 155 days in filing the instant restoration application is condoned.

5. The instant restoration application has been preferred seeking restoration of the revision petition bearing S.B. Civil First Appeal No.289/2021.

6. The appeal filed by the appellant has been dismissed by the Registry in pursuance of the direction passed by the co-ordinate Bench of this Court on 22.03.2024 on that day none appeared on behalf of the appellant and whereby the counsel was obligated to remove the defects within a period of two weeks. Since counsel for the appellant could not attend the Court and some change of administrative setup was going on in the office of government counsel, due to which the order did not come in knowledge, therefore, needful could not be done within the stipulated period





and thus, the office vide its proceeding dated 22.05.2024 dismissed the appeal.

7. I have heard the learned counsel appearing on behalf of the petitioner and have perused the material available on record.

7.1. Upon due consideration, this Court is of the firm view that a lis instituted by a litigant ought to be adjudicated on its intrinsic merits rather than being non-suited on account of trivial or technical infractions, particularly where such lapses stem from inadvertence or omission on the part of counsel in complying with procedural directions. The administration of justice cannot be permitted to founder upon hyper-technicalities, nor can a party be made to suffer irreversible prejudice for the inadvertent default or procedural abdication of his legal representative.

7.2. An appeal assailing such findings cannot be dismissed in limine merely because the advocate could not remove the defect within stipulated time. Such a procedural irregularity, attributable to counsel, does not ipso facto efface or annihilate the substantive and statutory right of appeal vested in the accused. Furthermore, any order resulting in dismissal under such circumstances must be a reasoned and speaking order, evincing conscious and judicious application of mind to the factual and legal substratum of the case. It must delineate the rationale which impelled the Court to adopt such a course and withstand scrutiny on the touchstone of fairness, proportionality, and judicial propriety. Consequently, this Court deems it appropriate to undertake a further appraisal of the judgment under challenge.

8. Accordingly, the instant application is accordingly allowed. The appeal bearing S.B. Civil First Appeal No. 289/2021 is ordered





to be restored to its original number, re-registered, and listed for consideration in accordance with law.

**(FARJAND ALI),J**

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