HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Restoration Application No. 270/2019

in

SB Civil First Appeal No. 820/2017

1. Smt. Phoolwati W/o Late Suresh, Aged About 44 Years, Plaintiffs-Appellants No. 6 Is Minor S/o The Deceased And Natural Guardian Of His Mother, R/o Village Lalchah Tehsil Nadwai, District Bharatpur
2. Kumari Guddi D/o Late Suresh, Aged About 22 Years, R/o Village Lalchah Tehsil Nadwai, District Bharatpur
3. Kumari Rinki D/o Late Suresh, Aged About 22 Years, R/o Village Lalchah Tehsil Nadwai, District Bharatpur
4. Kumari Vineeta D/o Late Suresh, Aged About 20 Years, R/o Village Lalchah Tehsil Nadwai, District Bharatpur
5. Ghanshyam S/o Late Suresh, Aged About 18 Years, R/o Village Lalchah Tehsil Nadwai, District Bharatpur
6. Gopal S/o Late Suresh, Aged About 18 Years, R/o Village Lalchah Tehsil Nadwai, District Bharatpur
7. Bansilal S/o Late Tikam, Aged About 70 Years, R/o Village Lalchah Tehsil Nadwai, District Bharatpur
8. Smt. Bali Devi W/o Late Tikam (Mother), Aged About 68 Years, R/o Village Lalchah Tehsil Nadwai, District Bharatpur

----Petitioners

Versus

1. Jaipur Vidyut Vitran Nigam Limited, Through Manager, Vidyut Bhawan, Jyoti Nagar, Jaipur
2. Chief Engineer, (Rural) Jaipur Vidyut Vitran Nigam Limited, Old Power House Road, Near Ram Mandir, Jaipur
3. Assistent Engineer, Jaipur Vidyut Vitran Nigam Limited, District Bharatpur (Raj)

----Respondents

For Petitioner(s) : Mr. B.L. Dhakar
For Respondent(s) :

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

05/12/2024

This restoration application has been filed for restoration of S.B. Civil First Appeal No.820/2017. Along with the said application, an application under Section 5 of the Limitation Act has been filed for condonation of delay of 457 days.

Learned counsel for the applicants submits that delay in filing the restoration application is unintentional. So, in the interest of justice, delay of 457 days in filing the restoration application may be condoned.

Heard learned counsel for the applicants on the application under Section 5 of the limitation Act.

The reasons given in the application under Section 5 of the Limitation Act are reproduced as under:-

> "That the restoration application shall be filed within 30 days but in this restoration application, period of 30 days has expired due to non-presence of the advocate and hence this restoration is time barred.
>
> That when the advocate searched his appeal, the same was found dismissed in non-compliance of the per-emptory order dated 15.12.2017.
>
> That it is bona fide mistake on the part of the advocate, thus, it is clear that delay has occurred due to the reasons beyond the control of the advocate."

The applicants have not shown any plausible cause for filing the present restoration application after an inordinate delay of 457 days. Nothing has been mentioned as to when the counsel for the applicants enquired about the order passed in the appeal. Entirely vague averments have been made. So, I do not consider it a fit case to condone the inordinate delay of 457 days. Thus, application filed by the applicants for condonation of 457 days delay in filing the restoration application is devoid of merit and liable to be dismissed, which stands dismissed accordingly.

Consequent upon the dismissal of the application under Section 5 of limitation Act, the restoration application also stands dismissed.

(NARENDRA SINGH DHADDHA),J

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