(2012) 04 RAJ CK 0096

In the Rajasthan High Court

Case No : Civil Writ Petition No. 18235 of 2011

Ghisa Ram and Others — APPELLANT

Vs

Board of Revenue and Others — RESPONDENT

Date of Decision : 09-04-2012

Acts Referred:
Constitution of India, 1950 — Article 227

Citation : (2012) 2 WLN 542

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : R.S. Shekhawat, for the Appellant;

Final Decision : Dismissed

Judgement

Alok Sharma, J.—this petition has been filed against the order dt. 07.05.2003, passed by the Board of Revenue in an appeal under Sec. 224 of the Rajasthan Tenancy Act, 1955 (hereinafter ''the Act of 1955'') as also against the order dt 09.02.2011, passed by the Board of Revenue dismissing a review petition there-against filed under Sec. 229 of the Act of 1955.I have heard the counsel for the petitioners and also perused the impugned orders passed by the Board of Revenue.

2. The Board of Revenue in an appeal under Sec. 224 of the Act of 1955 set aside the order dt. 16.06.2000 passed by the RAA condoning the delay in filing an appeal against the order dt 27.11.1997. The Board of Revenue held that the RAA had casually condoned the delay of over one year in the filing of the appeal against the judgment and degree dt. 27.11.1997 overlooking the fact that no sufficient cause had been shown by the appellants for not filing the appeal in time and on the contrary the only cause shown for filing a belated appeal was absolutely false and contrary to the record. It was found by the Board of Revenue that while the appellants stated that the dismissal of the application under Sec. 212 of the Act of 1955 as laid by the plaintiffs-respondents had been taken to be as a dismissal of the suit itself and they had thereafter not

participated in the proceedings before the trial Court it was on record that after the dismissal of the application under Sec. 212 of the Act of 1955 on 08.01.1991, the appellants defendants had in fact participated in the proceedings, filed written statement to the suit and also cross-examined the plaintiffs'' witnesses. The Board of Revenue held that the reasons for condonation of delay in filing the appeal after a period of one year from the judgment and degree dt. 27.11.1997 were ex facie false and without sufficient cause and consequently the appellate authority exercised its jurisdiction casually and perversely found sufficient cause for condonation of delay in filing the appeal. So holding the Board of Revenue set aside the order of the RAA passed on 16.06.2000.

3. I have perused both the order of the Board of Revenue passed in second appeal under Sec. 224 of the Act of 1955 on 07.05.2003 as also the further order passed in review petition under Sec. 229 of the Act of 1955 on 09.02.2011.

4. Proceedings before the Courts are to be without exception bona fide and diligently pursued. Casualness further distorted by falsity cannot be the manner of proceedings before the Court either revenue or civil. Tolerance of false causes set up either by the plaintiffs or the defendants in pursuit of "interest of justice" varyingly defined by contesting parties aggregate in the whole to a situation of underlying disregard of the purity of the judicial process. This disregard will entail the destruction of a foundational concept for a peaceful, harmonious and progressive society and country. It is on record that the appellants have approached the RAA with a false case as apparent from the record of the trial Court and sought condonation of delay on manufactured grounds which were ex-fade false. I find no ground to exercise the equitable jurisdiction of this Court under Art. 227 of the Constitution of India in view of the conduct of the petitioners and the facts of the case.

5. Consequently, the present petition is without force and the same is dismissed. Stay application is also dismissed.

